

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

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STATE OF ILLINOIS,)	
)	
Plaintiff,)	Docket No. 17 C 6260
)	
vs.)	
)	
CITY OF CHICAGO,)	Chicago, Illinois
)	August 9, 2023
Defendant.)	2:00 p.m.

TRANSCRIPT OF PROCEEDINGS - Hearing
BEFORE THE HONORABLE CHIEF JUDGE REBECCA R. PALLMEYER

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1 (The following proceedings were had via
2 videoconference:)

3 THE COURT: We are ready to get started?

4 MS. HICKEY: Yes.

5 THE COURT: All right. Good afternoon, everyone.
6 We are convening today for public comments -- by
7 video for public comments on a recent stipulation to the
8 consent decree.

9 This stipulation relates to investigatory stops,
10 protective pat-downs, and enforcement of certain loitering
11 ordinances.

12 Our schedule today calls for comments from the
13 monitor, who is with us; from the Illinois Attorney General
14 and from the City of Chicago. Those are the lawyers for the
15 parties in the case.

16 And then, I know that there are attorneys for the
17 coalition, specifically lawyers for the Campbell plaintiffs
18 and for the Communities United organization. They are going
19 to want to make some comments as well. We will give them
20 that opportunity.

21 And we are going to hear from about 13 members of
22 the public who've asked for the opportunity to speak. We
23 have created a schedule that provides for each of those
24 people to speak for about five minutes.

25 And at the conclusion of the hearing, we will be

1 hearing again from the attorneys and parties once again.

2 So we will call your names when we get to that
3 point. It may be that, if somebody is not available, we will
4 have to back up. We are going to try to go generally in the
5 order that's set forth in the schedule.

6 So what I would like to do next is invite our
7 monitor, Maggie Hickey, to make some opening remarks this
8 afternoon.

9 MS. HICKEY: Good afternoon and thank you, your
10 Honor.

11 My name is Maggie Hickey, and I'm the independent
12 monitor for the consent decree.

13 I have with me today Anthony-Ray Sepúlveda, who's
14 an associate that works with me; and Casey Rayburn, who is a
15 senior project manager, who is responsible for making all of
16 this virtual, with his team, happen today seamlessly. And I
17 want to just show appreciation to him and his team. I also
18 have many other of my team members that are viewing this
19 today.

20 On June 21st, 2023, the parties to the consent
21 decree, the City of Chicago, and the Office of the Attorney
22 General submitted to the Court a stipulation regarding
23 investigatory stops, protective pat-downs, and enforcement of
24 loitering ordinances.

25 The stipulation was approved by the Court on

1 June 27, 2023, and adds approximately 77 paragraphs, which
2 create Paragraphs 800 through 877 to the consent decree.

3 The City of Chicago and the Office of the Attorney
4 General jointly requested today's public hearing to provide
5 an opportunity for community input and public testimony by
6 individuals that are interested and affected by the
7 stipulation.

8 Today the Court is also allowing public comments to
9 determine if the stipulation is lawful, fair, reasonable, and
10 adequate.

11 As stated in the stipulation, the consent decree
12 between the State of Illinois and the City seeks to ensure
13 that the City and CPD deliver services in a manner that fully
14 complies with the constitution and the laws of the United
15 States and the State of Illinois, respects the rights of the
16 people of Chicago, builds trust between officers in the
17 communities they serve, and promotes community and safety and
18 officer safety.

19 In addition, the consent decree seeks to ensure
20 that Chicago police officers are provided with the training,
21 resources, and support they need to perform their jobs
22 professionally and safely.

23 The Independent Monitoring Team and I look forward
24 to hearing from community voices this afternoon about their
25 experience and their feedback on the stipulation,

1 investigatory stops, protective pat-downs, and the City's
2 enforcement of loitering ordinances.

3 We also look forward to reviewing all written
4 community feedback, which the Court is accepting through this
5 Friday, August 11th, 2023.

6 For those of you who have not yet submitted
7 comments and would like to do so, there are instructions on
8 how to submit those comments in the Court's order setting
9 this hearing, as well as the Independent Monitoring Team's
10 website at www.cpdmonitoringteam.com.

11 And for those who are unable to speak today and who
12 will be unable to provide written comments this week, we note
13 that the consent decree requires additional channels for
14 community input, including channels directly with the Chicago
15 Police Department.

16 And we will continue to monitor and report on the
17 City and CPD's efforts and ability to create, maintain, and
18 utilize those opportunities for community input and
19 engagement.

20 And, finally, as the Independent Monitoring Team,
21 we are currently preparing our comprehensive assessment of
22 the consent decree efforts to date, which will include
23 whether and to what extent the City and CPD are in compliance
24 with the consent decree, whether the outcomes intended by the
25 consent decree are being achieved, and whether any

1 modifications to the consent decree are necessary in light of
2 changed circumstances or unanticipated impact or lack of
3 impact of the existing requirements.

4 Our comprehensive assessments will also address
5 areas of greatest progress and achievement and the
6 requirements that appear to have contributed to those
7 achievements, as well as the areas of greatest concern,
8 including strategies for accelerating full and effective
9 compliance.

10 We will update the parties and the Court regarding
11 additional opportunities for community input into this
12 assessment.

13 In the meantime and as always, our website contains
14 information on how community members may contact the
15 Independent Monitoring Team with any idea, feedback, or
16 question.

17 Again, I thank the parties, the Court, and the
18 community members for their time and attention to this
19 stipulation and the City and the Chicago Police Department's
20 commitment to reforming investigatory stops, protective
21 pat-downs, and the enforcement of loitering ordinances.

22 Thank you very much, your Honor. And we look
23 forward to hearing from the community today.

24 THE COURT: Thank you, Ms. Hickey.

25 We are going to hear first from the attorneys for

1 the parties in this case. Those include the State of
2 Illinois on the one side and the City of Chicago on the
3 other.

4 We will begin then with the lawyers for the
5 Illinois Attorney General, Chris Wells and, I believe,
6 Rebekah Newman, who are with us. And those individuals are
7 entitled to speak at this time.

8 MR. WELLS: Thank you, your Honor.

9 This is Chris Wells on behalf of the Illinois
10 Attorney General's office.

11 I appreciate the opportunity to address the Court
12 and the public regarding the stipulation adding oversight of
13 CPD's stop and frisk practices to the consent decree.

14 I'm chief of the Public Interest Division in the
15 Attorney General's office. I have been part of our office's
16 involvement in the CPD consent decree since we first filed
17 suit against the City of Chicago in August 2017.

18 In a few minutes, I will invite my colleague,
19 Rebekah Newman, to speak to the specific provisions of the
20 stipulation before the Court.

21 But before getting into the specifics, I want to
22 provide some big-picture context on what the stipulation is
23 and why it is being added to the consent decree now, four and
24 a half years after the consent decree took effect. The
25 stipulation makes CPD's stop and frisk practices subject to

1 court oversight for the first time.

2 The need for external oversight of CPD's stop and
3 frisk practices is not new. In August 2015, the ACLU of
4 Illinois reached an out-of-court agreement with the City of
5 Chicago that has led to significant reforms in CPD's stop and
6 frisk practices, but that agreement was not subject to court
7 oversight, and the City of Chicago had the right to
8 unilaterally terminate it.

9 The ACLU agreement was also signed three and a half
10 months before the public release of the video of Laquan
11 McDonald's murder.

12 When that video was ultimately released in
13 November 2015, the U.S. Department of Justice promptly
14 announced an investigation into the Chicago Police
15 Department. That investigation led to a wide-ranging report
16 detailing significant evidence of a pattern of
17 unconstitutional conduct by CPD officers.

18 The DOJ report formed the factual basis for our
19 office's 2017 lawsuit against the City of Chicago, and the
20 report's recommendations formed the core of the consent
21 decree now overseen by this court.

22 But because of the August 2015 ACLU agreement, the
23 scope of the DOJ's investigation did not include CPD's stop
24 and frisk practices. As a result, neither did the consent
25 decree.

1 Paragraph 712 of the consent decree, which created
2 a carve-out for the 2015 ACLU agreement, was an explicit
3 acknowledgment of this fact.

4 I want to be clear. The ACLU agreement has led to
5 important progress in reforming CPD's stop and frisk
6 practices. But without court oversight, the durability of
7 those reforms is at risk. That is why in March of this year,
8 our office, as a party to the consent decree, agreed to
9 negotiate the stipulation adding stop and frisk oversight to
10 the consent decree.

11 Court oversight is equally important to solidifying
12 another set of related critical reforms regarding enforcement
13 of the City's loitering ordinance.

14 Since 2015, the plaintiffs in *Smith v. City of*
15 *Chicago* have advocated for these reforms during an
16 eight-year-long legal fight.

17 The *Smith* plaintiffs and their counsel recognize
18 that court oversight is necessary to make those reforms
19 stick. That is why the *Smith* plaintiffs made their historic
20 class action settlement contingent on incorporation of their
21 hard-fought reforms into the consent decree.

22 The stipulation accomplishes that goal. With the
23 stipulation in place, CPD will not be able to walk away from
24 these reforms.

25 The only way for court oversight to end is for CPD

1 to demonstrate that these reforms have taken root in
2 practice, not just on paper. We acknowledge that the path to
3 that point remains a long one, but it is one our office is
4 committed to pursuing day by day every step of the way.

5 We also acknowledge that the stipulation is a
6 negotiated document that reflects compromises between the
7 parties to the consent decree.

8 There are additional reforms that our office
9 supports and would like to see CPD implement.

10 Our office recognizes that public input is a
11 critical component of any durable police reform. That is why
12 we specifically insisted on a requirement in the stipulation
13 that this public hearing occur.

14 That is also why we stand ready to continue pushing
15 for additional reforms to CPD's stop and frisk practices
16 based on the public input we receive. We look forward to
17 hearing that input today.

18 I will now turn it over to my colleague, Rebekah
19 Newman, to discuss specific provisions included in the
20 stipulation.

21 THE COURT: Thank you, Mr. Wells.

22 All right. Ms. Newman, if you are ready to go.

23 MS. NEWMAN: Yes. Thank you. And good afternoon,
24 your Honor.

25 My name is Rebekah Newman, and I am an Assistant

1 Attorney General with our Office of Special Litigation
2 Bureau.

3 The purpose of today's hearing is to collect
4 community input and public testimony from those affected by
5 the stipulation, most importantly, community members who have
6 been subjected to CPD's stop and frisk practices.

7 Today's public comments will meaningfully impact
8 the consent decree in several ways.

9 First, we understand that the Court will rely on
10 public comments to determine whether the stipulation is
11 lawful, fair, reasonable, and adequate.

12 We also recognize that the Court has broad
13 discretion to further modify the stipulation based on these
14 comments should the Court find that the stipulation is
15 insufficient to achieve the purposes of the consent decree,
16 or if the Court finds the stipulation is not lawful, fair,
17 reasonable, and adequate generally.

18 Second, our office will be guided by these comments
19 as we take on the task of reviewing CPD's stop and frisk
20 policies and practices.

21 We also understand that the Independent Monitoring
22 Team will consider these comments as they develop
23 recommendations as part of the ongoing comprehensive
24 assessment of the consent decree as a whole.

25 We welcome comments today and in the future on ways

1 to improve the stipulation further. However, there is ample
2 reason for the Court to find that the stipulation is lawful,
3 fair, reasonable, and adequate to date.

4 First, the agreement is procedurally fair. The
5 agreement's parties negotiated at arm's length, and the
6 stipulation is not the product of collusion.

7 The strengths and weaknesses of the agreement, the
8 participation and opinions of competent counsel, and the
9 extent of opposition among affected parties also support this
10 finding.

11 Courts recognize that a consent decree that is the
12 product of an arm's length negotiation must necessarily be a
13 compromise. On that, some stakeholders will think certain
14 provisions go too far, while others think that they do not go
15 far enough. Ultimately the Court's finding of fairness must
16 be evaluated based on the entirety of the agreement rather
17 than criticisms of individual provisions.

18 As Judge Dow emphasized in his 2019 order approving
19 the consent decree, the consent decree, which now includes
20 the stipulations, is not a panacea, nor is it a magic wand.
21 It is the beginning, not the end.

22 Toward that goal, because of the stipulations,
23 there are a number of important new restrictions on CPD's
24 stop and frisk practices.

25 For example, the stipulation prohibits CPD officers

1 from stopping a pedestrian unless they have reasonable
2 articulable suspicions based on specific and articulable
3 facts that the person has committed, is committing, or is
4 about to commit a crime.

5 It specifically limits officers' use of certain
6 boilerplate justifications by stating that officers may not
7 stop or frisk a person based solely on the smell of cannabis,
8 the person's race, the person's presence in a high-crime
9 area, the fact that they may be walking away from officers,
10 or their presence in the company of others suspected of
11 criminal activity, none of the factors which count as
12 specific articulable facts that may give rise to a stop.

13 Should the Court find that there is any ambiguity
14 in the wording related to what individual and collective
15 factors officers can consider when determining whether to
16 conduct a stop or a frisk, we, of course, are open to
17 clarification from the Court.

18 The stipulation also requires officers to take
19 certain steps to explain someone's rights when interacting
20 with them during a pedestrian stop. For example, officers
21 must identify themselves and explain the reason for the stop.

22 Officers also must inform the person that they are
23 not required to answer questions, that they will be free to
24 leave at the end of the stop, and whether they are being
25 recorded on a body-worn camera.

1 Recognizing the inherent power disparity in these
2 encounters, the stipulation also limits officers' ability to
3 conduct so-called consent searches.

4 During a pedestrian stop officers may only ask for
5 consent to search a person if they have reasonable
6 articulable suspicion that the person is involved in a crime
7 or possesses evidence of a crime.

8 And when an officer asks for consent to search a
9 person, they must tell the person the scope of the search and
10 that they could revoke consent at any time, documenting all
11 of this on the stop report and recording it on body-worn
12 camera.

13 The stipulation also requires a variety of
14 institutional safeguards to ensure that the Department enacts
15 and maintains wholesale reform of these practices.

16 Relevant policies, forms, and trainings will be
17 subject to the consent decree, review, and comment process
18 involving our office, the IMT, and subject matter experts,
19 and which must include community input.

20 Because the IMT has been involved in this process
21 as the consultant in the ACLU agreement, progress that has
22 already been made on drafts will not be lost.

23 And the effects of CPD's stop and frisk practices
24 and policies will be assessed with thorough reviews by CPD's
25 4th Amendment Street Stop Review Unit and a data and analysis

1 report developed by an independent subject matter expert
2 selected by the monitor.

3 These restrictions and requirements are consistent
4 with National Best Practices, which our team derived from
5 review of many consent decrees from other jurisdictions and
6 from consultation with subject matter experts, including
7 those who consulted our office during the negotiation of the
8 consent decree.

9 They were also informed by ongoing feedback from
10 counsel for the *Smith* plaintiffs, a class action of African
11 American and Hispanic Chicago residents subject to
12 investigatory stops and frisks by CPD officers.

13 Finally, they also align with the draft
14 recommendations produced by the community organizations after
15 an extensive community engagement process on these issues.

16 The State, therefore, respectfully requests that
17 the Court find that the stipulation is lawful, fair,
18 reasonable, and adequate.

19 The State recognizes and always welcomes ongoing
20 opportunities to improve the consent decree, including the
21 stipulation, especially with input from the community members
22 with lived experience and, in this instance, beyond those
23 represented by *Smith* counsel.

24 We look forward to hearing from community members
25 about how those practices have affected their lives and about

1 how the consent decree can be improved.

2 Thank you for your time, your Honor.

3 THE COURT: Thank you very much, Ms. Newman.

4 I think the next item on our agenda is to hear from
5 the attorney for the City. And I know that Ms. Bagby is with
6 us. I can see that she is here.

7 So, Ms. Bagby, if you would like to make a
8 statement, you are welcome to do that at this time.

9 MS. BAGBY: Thank you, your Honor.

10 Good afternoon.

11 I am Deputy Corporation Counsel, Jennifer Bagby,
12 from the City of Chicago Department of Law. And I, along
13 with Allan Slagel, Danielle Clayton, Max Frazier, and Arthur
14 Haynes, represent the City of Chicago in the consent decree
15 matter.

16 Also joining us today to hear community input are
17 members of the Chicago Police Department's Research and
18 Development Division, including Sergeants Stoia (phonetic)
19 and Berlage (phonetic), who have had extensive involvement in
20 consent decree policy, drafting, and revision; as well as
21 members of the Office of Constitutional Policing and Reform,
22 including Managing Deputy Director Allyson Clark-Henson.

23 This stipulation is the result of thoughtful
24 discussions and negotiations between CPD and the City, the
25 Office of the Illinois Attorney General, and members of the

1 Independent Monitoring Team, as well as the parties to the
2 *Smith* litigation that specifically concerned CPD's
3 enforcement of the City's gang and narcotics loitering
4 ordinances.

5 The resulting stipulation reflects the time and
6 attention of all involved. And the end result is the
7 addition of pedestrian investigatory stops, including in the
8 enforcement of the gang and narcotics loitering ordinances,
9 as well as protective pat-downs to the existing policing
10 consent decree.

11 By adding pedestrian investigatory stops and
12 protective pat-downs to the consent decree, we are ensuring
13 that CPD policy and training related to investigatory stops,
14 protective pat-downs, and enforcement of the loitering
15 ordinances have the benefit of the intensive review and input
16 by the consent decree monitor and the Attorney General's
17 office to the established mechanism of the consent decree.

18 Additionally, by adding investigatory stops,
19 protective pat-downs, and enforcement of the loitering
20 ordinances to the consent decree, we ensure that CPD has the
21 systems in place to collect necessary data and report and
22 evaluate that data related to investigatory stops.

23 And most importantly, we will ensure that CPD
24 members are interacting with members of the community in a
25 manner consistent with the Constitution in both federal and

1 Illinois state law.

2 We thank you for your time in being here today, and
3 we look forward to hearing the comments from members of the
4 public on this important addition to the consent decree.

5 Thank you.

6 THE COURT: Thank you, Ms. Bagby.

7 There will be no other submissions from the City;
8 is that correct?

9 MS. BAGBY: That is correct.

10 THE COURT: All right. In that case, I think we
11 are now ready to begin with our public comments. And
12 specifically here, before we hear from individual members of
13 the public, I know that we have representatives of community
14 groups who will be speaking with us this afternoon.

15 We have, I believe, Sheila Bedi from Communities
16 United, those plaintiffs; and also an attorney, Michelle
17 Garcia, who represents the Campbell plaintiffs. And I
18 understand that they will be making some opening remarks
19 before we hear individual comments from community -- from
20 representatives of the community -- from individuals from the
21 community.

22 So I could hear from the coalition.

23 MS. BEDI: Thank you, your Honor. Sheila Bedi, and
24 I represent the Campbell plaintiffs.

25 I'm so grateful for the opportunity to address the

1 Court on behalf of the coalition and the Campbell plaintiffs.
2 We recognize that the Court, along with leadership of the
3 parties, has taken seriously the need for community input on
4 this issue. This is a critically important expansion of the
5 consent decree.

6 We also recognize the imperative that the Court has
7 put on community voice, and that is encouraging. It's going
8 to help ensure that whatever changes result from the
9 stipulation are meaningful to the communities that are most
10 affected by police abuse and violence.

11 But, unfortunately, for a variety of reasons, this
12 stipulation was not developed with the requisite community
13 input. And, as a result, there are oversights that must be
14 addressed in order to remedy the extensive harms that are
15 created by CPD's unconstitutional stop and frisk practices.

16 For that reason, we are requesting that this Court
17 order the parties back to the negotiating table to address
18 these issues with the benefit of coalition counsel as well as
19 community input.

20 I'm going to talk about what those specific
21 omissions are -- what some of those omissions are. But
22 before I do, I want to be very clear that our position is
23 that stop and frisk remedies should be, must be in the
24 consent decree.

25 The consent decree provides an unparalleled

1 opportunity for transparency, for accountability, and, if
2 done right, community oversight and input into CPD policies
3 and practices.

4 Remedies for this kind of wide-ranging harm should
5 have always been subject to this kind of public process.

6 But the reality is that the remedies included in
7 the stipulation and in the consent decree are going to occupy
8 the field, making it almost impossible for individuals who
9 are subject to future harm as a result of stop and frisk to
10 assert a right to injunctive relief. And, because of that,
11 it is so important that these remedies are right, that they
12 are fulsome, that they are comprehensive and robust.

13 I'm going to briefly mention now four ways that the
14 stipulation must be improved before it should go into effect.

15 First -- and I think you are going to hear more
16 about this from my cocounsel -- the stipulation must provide
17 strong protections against -- to prevent bias and
18 discrimination in stops and searches.

19 The stipulation currently prevents officers from
20 conducting stops solely -- "solely" is the operative word
21 here -- on the basis of race or other protected classes or
22 solely because an individual has exercised their right to
23 flee from the police.

24 The inclusion of this word "solely" makes plain
25 that officers can develop reasonable suspicion based in part

1 on discrimination. This is a provision that conflicts with
2 existing policy, with the consent decree provisions, and
3 federal law. I will give a quick example of that.

4 CPD's current policy that prohibits racial
5 profiling states explicitly that officers will not use
6 membership in a protected class when making routine or
7 spontaneous law enforcement decisions.

8 Again, the policy states, officers will not use
9 membership in a protected class when making routine or
10 spontaneous law enforcement decisions.

11 There is no such unequivocal language in the
12 stipulation and there simply must be if this harm is to truly
13 be redressed.

14 Second, the stipulation fails to include language
15 that would prevent officers from engaging in the escalatory
16 tactics and conduct that too often occurs when CPD officers
17 are engaging with members of the public.

18 Page 33 of the U.S. Department of Justice
19 investigation into CPD -- these are the findings that
20 animated the entire consent decree -- state that officers
21 escalate encounters unnecessarily, and that includes
22 instances where CPD officers use retaliatory force against
23 people who object and claim that they were subject to
24 unlawful stops.

25 These encounters that we refer to as "stop and

1 frisk" have longstanding harms, and we are only just
2 beginning to understand the full consequences.

3 Health researches who studied stop and frisk in
4 New York City found that, when controlling for all other
5 factors, people who are subject to stop and frisk contend
6 with negative health outcomes. There is heightened trauma
7 and anxiety, of course, but also serious physical outcomes
8 that exacerbates high blood pressure and other health
9 conditions.

10 So it's not hyperbole to say that stop and frisk,
11 even absent a use of force, contributes to a public health
12 crisis.

13 The stipulation has got to recognize the breadth of
14 this harm and include requirements that would reduce
15 instances of stop and frisk, require the development of
16 alternative policing strategies to mitigate this harm, and
17 that would include the development of least intrusive
18 policing practices for all ordinance enforcement. The
19 current draft talks about least intrusive enforcement in
20 relation to the loitering ordinances. Our position is that
21 should be both defined and then expanded to all ordinance
22 offenses.

23 The stipulation also must prohibit or reduce
24 disparities in the stop and frisk -- the racial disparities
25 in stop and frisk -- this is essential because 70 percent of

1 all people subject to these stops are Black -- to explicitly
2 require that officers instruct people that as soon as
3 reasonable suspicion dissipates they are free to leave.

4 There is a provision in the stipulation that addresses this,
5 but the language could and should be much stronger. And the
6 stipulation should also prohibit CPD from using stops to
7 assess productivity.

8 And there should be language to prevent the
9 practice of trolling. Now, trolling is a practice that was
10 identified by the Office of Inspector General where CPD
11 officers actively seek out encounters in order to extend
12 their tour of duty, and they have a financial incentive to
13 then gain overtime. This is a well-documented practice.
14 It's also well-documented that there aren't controls in place
15 to prevent this. This should be part of the stipulation.

16 In the absence of those sort of protections, CPD
17 officers literally have a financial incentive to engage in
18 this sort of conduct.

19 The second big-picture issue I want to address is
20 the fact that the stipulation entirely fails to recognize
21 that stop and frisk creates a potential for sexual misconduct
22 and trauma for women, people who are gender non-conforming,
23 or anyone who survived sexual trauma.

24 The stipulation does not provide a meaningful
25 description or prohibitions on the manner in which searches

1 should occur or the measures that officers should take to
2 limit the humiliation, trauma, sexual intimidation that can
3 occur when officers are engaged in pat-downs of a person's
4 body.

5 There must be an explicit focus on training
6 officers to understand the extent of the harm these searches
7 can impose on people, particularly people who can live with
8 various forms of trauma.

9 There must be provisions that limit the manner of
10 the search and recognize the potential for abuse inherent in
11 these interactions. And these provisions are important
12 because CPD's own data is showing a market increase in the
13 number of women that are subject to stop and searches. The
14 increase in the past two years was a 4 percent increase in
15 women subjected to these searches.

16 Third and finally, the stipulation fails to provide
17 sufficient provisions for accountability and community voice.
18 The stipulation does not provide measures ensuring discipline
19 for officers who fail to report stops or for officers who
20 violate the stipulation. And this should require auditing
21 body cam footage both to pick up unreported stops but also to
22 evaluate problematic, discriminatory, harassing interactions
23 that would violate the stipulation.

24 There is a community engagement provision of the
25 stipulation, but it needs to focus not just on policy

1 feedback but on the deep meaningful outreach that would
2 capture community perspective on unreported stops and officer
3 conduct during searches.

4 So I want to thank you again for the opportunity to
5 share these comments. I'm going to close my comments here.
6 The Campbell plaintiffs will be submitting written comments
7 that will go into more detail. We appreciate the
8 opportunity.

9 We also appreciate the process the Court is using
10 to evaluate the stipulation. And we urge the Court to send
11 the parties back to the negotiating table with community
12 input in order to address these omissions as well as some of
13 the other omissions you will hear about later today.

14 THE COURT: All right. Thank you.

15 Are there other persons from the coalition who
16 would be offering statements this afternoon?

17 MS. GARCIA: Yes, your Honor. Michelle Garcia on
18 behalf of the Communities United members of the coalition.

19 THE COURT: I think I confused the two of you
20 earlier, but you are right. I apologize.

21 MS. GARCIA: It's fine. Sheila and I work
22 together. We can take it, your Honor.

23 THE COURT: Good.

24 MS. GARCIA: First off, we want to thank you and
25 the parties for having this hearing and for you, in

1 particular, for granting the motion -- our motion to
2 determine whether the stipulation is lawful, fair,
3 reasonable, and adequate after this public hearing.

4 On August 3rd, we filed extensive comments on the
5 stipulation outlining our concerns. And due to time
6 constraints, I'm going to focus on just a couple key
7 concerns.

8 Your Honor, the coalition is, in part, in a unique
9 position to offer comments on the stipulation for two
10 reasons.

11 First, as my colleague Sheila Bedi mentioned, many
12 of our clients, members of civil rights and community
13 organizations, who represent thousands of Chicagoans, Black
14 and Latino Chicagoans, have been unfairly stopped and frisked
15 by CPD for decades. You will hear directly from impacted
16 people today about their real fear of CPD.

17 And second, one of the coalition members, the ACLU
18 of Illinois, has for the last eight years, with the
19 consultant, who was also the monitor in this consent decree,
20 enforced a settlement agreement concerning CPD's stop and
21 frisk practices.

22 Because neither the coalition, the ACLU, nor the
23 community members negotiated the stipulation, we appreciate
24 the opportunity to share our stories, our lived experiences,
25 and legal expertise.

1 Your Honor, according to the June 2023 report from
2 Maggie Hickey in her role as the consultant, from 2018 to
3 2020, CPD was nine times more likely to stop Black people and
4 three times as likely to stop Latino people as compared to
5 White people in Chicago.

6 Black and Latinos suffered disproportionate numbers
7 of frisks and searches by CPD, although officers were more
8 likely to find contraband, such as guns or drugs, when
9 frisking and searching White people.

10 As the report noted, CPD has never identified a
11 policy objective or crime strategy that could justify the
12 observed disparities between racial and ethnic groups.

13 The bottom line, your Honor, is CPD's high volume
14 of stops and frisks targeted people of color without any
15 identified reason, benefit, or legal justification under the
16 law. And this practice is continuing. Data from CPD in 2022
17 reflects about 69,000 investigatory stops.

18 Now, the stipulation does not prevent CPD's
19 discriminatory practices and violates existing law in the
20 consent decree.

21 For example, Paragraph 806 fails to comply with the
22 Equal Protection Clause of the U.S. Constitution and
23 Paragraphs 55 and 56 of the consent decree.

24 In particular, Paragraph 806(g) prohibits officers
25 from stopping and frisking someone solely on the basis of the

1 person's race, ethnicity, or other protected characteristics.

2 But under the Equal Protection Clause, police stops
3 and frisks can be unconstitutional if the racial or ethnic
4 discrimination is a motivating factor. It doesn't have to be
5 the sole or only factor.

6 And under the consent decree's Paragraphs 55 and
7 56, officers are prohibited from using these protected
8 characteristics, but they are also prohibited from using
9 stereotypes and substitutes. The language in the stipulation
10 as written undermines that provision in the consent decree.

11 Likewise, Paragraphs 806(c), (f), and (i) through
12 (j) again uses "solely" to prohibit stops and frisks based on
13 one factor, such as a person being in a high-crime area.

14 But the stipulation as written allows a CPD officer
15 to stop someone because of their race, if the person is
16 trying to avoid the officer, or the officer is concerned with
17 their own safety.

18 All of this would not meet the 4th amended standard
19 under *Terry v. Ohio*, which says, before stopping someone, an
20 officer must have a reasonable articulable suspicion that the
21 person is committing, is about to commit, or has committed a
22 crime; and before a pat-down, the officer must have a
23 reasonable articulable suspicion that the person is armed and
24 dangerous.

25 806 fails to prohibit officers from relying on

1 factors that courts have found could not justify stops or
2 involve racial stereotypes, such as bodily movements that
3 create suspicion, nervous or evasive behavior, an
4 individual's prior criminal activity, time of day or night,
5 and officer's training and experience.

6 The stipulation fails to require CPD to reduce the
7 number of stops and frisks and reduce the racial and ethnic
8 disparities.

9 The stipulation should require CPD to do a cost
10 benefit analysis to analyze whether its stops and frisks
11 achieve a public safety benefit. If they cannot demonstrate
12 a tangible benefit, they should eliminate the practice.

13 The stipulation should require independent
14 statistical analysis of whether CPD has complied with the
15 Fourth Amendment and the Illinois Civil Rights Act each year.

16 The stipulation should require CPD to address and
17 correct any racial and ethnic disparities that violate the
18 Illinois Civil Rights Act, not merely assess whether to
19 implement revisions to policies, procedures, or training.

20 The stipulation fails to ensure accountability for
21 officers that violate CPD's policy and Chicagoans'
22 constitutional rights.

23 Right now, the stipulation allows CPD officers to
24 revise their stop report that document where they indicate
25 why someone was stopped, frisked, or searched. But allowing

1 any substantive changes permits officers to cover up
2 unconstitutional stops, frisks, or searches by changing the
3 reason after the fact. There should be no substantive
4 revisions allowed to stop reports.

5 The stipulation, despite the requirements of the
6 Illinois law enforcement -- excuse me.

7 The Illinois Law Enforcement Officer-Worn Body
8 Camera Act and consent decree Paragraph 27 doesn't require
9 officers to use body-worn cameras and record the entire stop.
10 That is critical, your Honor, for accountability.

11 The stipulation doesn't require CPD to track and
12 discipline officers whose stops and frisks indicate racial
13 profiling, discrimination, or even if they violate a
14 Chicagoan's Fourth Amendment rights.

15 And finally, as my cocounsel mentioned, the
16 stipulation fails to require CPD to engage with the coalition
17 or impacted community members in any particular way.

18 Under the ACLU settlement agreement, there was a
19 robust process where community groups designed a citywide
20 process to gather recommendations on stop and frisk and give
21 them to CPD. They were paid for their time. And CPD is
22 required under that provision to respond to those
23 recommendations in writing, and this will be released in a
24 public report by Maggie Hickey. We recommend that a similar
25 process like that continue every two years.

1 For all the reasons raised by my colleague, Sheila
2 Bedi, and in our written comments, and as you heard and will
3 hear from our community members and clients, we urge the
4 Court to order the parties to renegotiate the stipulation
5 with the coalition and other community members to make the
6 stipulation lawful, fair, reasonable, and adequate.

7 Thank you.

8 THE COURT: Thank you very much, Ms. Garcia.

9 I want to make sure I'm not muted. No.

10 I want to thank you very much, Ms. Garcia.

11 I think we are ready, then, to begin the process of
12 hearing from community speakers a little bit earlier, so
13 there's -- earlier than originally scheduled, so it may be
14 that our first speaker is not available.

15 But if she is, what I am going to do is begin
16 calling the names that are on this list. And, again, if we
17 get to the point at the end where somebody is missed or if
18 there is somebody out of order, we will try to back up and
19 make sure that everyone who's scheduled has had an
20 opportunity to speak.

21 Is Ms. Earls -- Carmelita Earls with us this
22 afternoon?

23 MS. HICKEY: Your Honor, would you just allow 20
24 seconds?

25 I would ask -- I know that the ACLU representing

1 the Communities United has four people potentially that are
2 going to be using -- they are all utilizing the same office,
3 but I'm not sure Ms. Earls is one of those four.

4 THE COURT: I want to give her a chance if she is
5 here to either turn on the camera or the phone and make sure
6 that we can hear her. We will give her a minute.

7 MS. HICKEY: Ms. Earls is Speaker No. 1. So
8 perhaps if we can identify what number speaker they are, too.

9 And then, your Honor, we can always go back after
10 we have done a certain --

11 THE COURT: Good idea.

12 MS. HICKEY: -- number and recall.

13 THE COURT: All right. Ms. Earls, if you are with
14 us and you are trying to get on board and have not been able
15 to, please do keep trying, but right now we will move on to
16 our next speaker. We will come back and make sure that you
17 do have the chance to be heard if you are with us.

18 I think the next speaker -- this would be
19 Speaker No. 2 -- is Patricia Jjemba.

20 So, Ms. Jjemba, if you are with us, please do let
21 us know. And, again, we will give you a minute to turn on
22 your camera or make sure your phone is working and turn off
23 the mute button so that we can hear you.

24 (Brief pause.)

25 MS. JJEMBA: Good afternoon.

1 Can you hear me?

2 THE COURT: I can, yes. Thank you.

3 MS. JJEMBA: Perfect. Thank you, your Honor.

4 Good afternoon.

5 My name is Patricia Jjemba, and I'm the director of
6 the Legislative and External Affairs at the law office of the
7 Cook County Public Defender.

8 I'm here today because Chicago police practices
9 impact a majority of the 70,000 clients we are appointed to
10 represent annually.

11 It is undisputed that the Chicago Police Department
12 has historically used investigatory stops, pat-downs, and
13 loitering ordinances in disproportionate and even violent
14 manners, particularly against Black, Latinx, and poor
15 constituents.

16 Stop and frisk is not only a violation of the
17 constitutional rights of Chicagoans but also often the
18 gateway to criminal charges that can inflict a lifetime of
19 consequences on the individuals targeted.

20 While we appreciate the intent of the stipulation
21 to address these important practices, we are here today to
22 address shortcomings regarding the process for developing the
23 stop and frisk amendment and, as a result, its substance.

24 Unfortunately, negotiations without the community
25 organizations who led the call for the consent decree risk

1 creating remedies that look more like perpetuation of the
2 *status quo* than meaningful reform.

3 During previous public comments in this process and
4 related litigation, Black and Brown Chicagoans have recounted
5 violent interactions with police resulting from simply
6 existing in their neighborhoods.

7 These stops and searches often result in
8 life-altering criminal prosecutions and records that have
9 grave implications for the emotional, professional, and
10 societal experiences of Black, Latinx, and poor people across
11 Chicago.

12 In fact, the 2015 ACLU settlement agreement between
13 the City and the ACLU was designed to decrease the overall
14 number of investigatory stops and related racial disparities.

15 Despite the move away from stop and frisk of
16 pedestrians since 2015, our clients and public defenders can
17 confirm that CPD has effectively continued the practice by
18 instead conducting pretextual traffic stops at the same time
19 there has been an enormous surge in traffic stops.

20 Four years after the ACLU settlement, annual
21 traffic stops rose almost seven times to almost 600,000. The
22 number remained high even during the COVID-19 pandemic when
23 there were not as many drivers on the road.

24 Just like stop and frisk, pretextual traffic stops
25 under the guise of community safety efforts overwhelmingly

1 impact Black and Latinx people.

2 CPD officers are, in some cases, sitting around in
3 poor neighborhoods and waiting for Black and Latinx drivers
4 to commit minor traffic violations and, in other instances,
5 outright fabricating violations just to pull these drivers
6 over.

7 Officers use these interactions as justification to
8 search clients' vehicles for weapons. Our clients are being
9 arrested and charged with felonies for gun possession without
10 proper paperwork. Almost a quarter of felony cases assigned
11 to our office are simple gun possession cases just like
12 these.

13 The stipulation specifically prohibits CPD from
14 stopping people based on the smell of cannabis, presumably
15 reflecting changes in cannabis laws, yet it fails to
16 acknowledge the change in gun possession laws. New case law
17 clearly tells us that mere possession of a gun is not
18 probable cause and is a presumption of innocence and is
19 constitutional. A bulge or an L-shaped bulge is not enough
20 for a stop.

21 Ultimately the racist pattern of selective
22 enforcement and, therefore, incarceration targets communities
23 that are already feeling unsafe.

24 This demonstrated shift in Chicago police practice
25 from one form of harm to another is why it is critical to

1 include community members and advocates in the discussion of
2 the consent decree's expansion to stop and frisk.

3 Meaningful expansion cannot happen after the
4 parties have become beholden to the provisions already agreed
5 to in negotiations outside of the people who will actually be
6 impacted.

7 The stipulation is a step backward because it
8 ultimately weakens the oversight and legal protections
9 previously won in the *Smith* settlement.

10 Our office, therefore, implores the Court,
11 independent monitor, City, and Attorney General's office to
12 expand the negotiation table to include community
13 organization representatives and amend the stipulation in
14 response to their feedback.

15 The policies on investigatory stops must be
16 strengthened and not weakened.

17 Thank you for the opportunity to testify today.

18 THE COURT: Thank you very much, Ms. Jjemba.

19 I believe the next -- Speaker No. 3 and 4 are not
20 on our list right now.

21 But I am -- I do see next on our list,
22 Speaker No. 5 would be Robert Douglas. And if Mr. Douglas is
23 with us, he is welcome to turn his camera on or his telephone
24 on and unmute and start making a statement.

25 MR. DOUGLAS: Good afternoon.

1 THE COURT: Good afternoon, sir. Thank you for
2 joining us.

3 MR. DOUGLAS: Thank you for having me, your Honor.

4 It is not a privilege to be speaking today. It is
5 a great concern that the injustice on Black community members
6 have been egregiously enforced, but that has been compounded
7 by the consent decree that has become a political football in
8 our community.

9 If it wasn't for my close affiliation with
10 Dr. Joe Hoereth and Dr. Elena Quintana, who are leadership --
11 in leadership with the consent decree, I would not know
12 anything of it.

13 It is still people that are blindsided by
14 information that I talk about when it comes to the consent
15 decree and how it can affect in a positive way law
16 enforcement's engagement in community policing, relationship
17 building, youth development.

18 This, instead of being a political football, could
19 be a way to engage the far South Side of Chicago and other
20 pockets of the city of Chicago that have been troubled with
21 rapid gunfire.

22 It is language in the consent decree that troubles
23 me that deals with firearms. The congressional ban on gun
24 violence research could use this opportunity to craft best
25 practices so that practitioners in the social service world,

1 human service world, even law enforcement could be
2 beneficial.

3 But the community is not aware of the consent
4 decree from my perspective. And I say that in a vehicle
5 that's published several articles that look at community
6 engagement that was published out of the University of
7 Illinois at Chicago through Dr. Joe Hoereth's office and my
8 current publication that will be produced in the weeks to
9 come out of Chicago community trust looking at ways to
10 mitigate firearm violence in our city that is not being
11 engaged.

12 And I would like to renegotiate the community
13 engagement component to the consent decree to not just
14 diversify it but streamline it towards individuals in our
15 communities that could best help the consent decree move
16 forward.

17 I don't want to -- the young man -- I forget the
18 young man's name that uncovered Laquan McDonald through the
19 Freedom of Information Act, but that individual should be at
20 the forefront of engaging the community around getting
21 involved with the language that will ultimately produce this
22 document.

23 This document is being driven, and it is being
24 implemented by political cronies, institutions that have
25 lawyer organizations, legal organizations that really could

1 be beneficial in engaging communities around getting the word
2 out about the process, but that's not happening, your Honor,
3 in the broadest perspective.

4 If you look at the community engagement
5 opportunities, they are coming through those same vehicles
6 that are being used to -- that perpetrated the violence on
7 our community via law enforcement and Laquan McDonald.

8 Nothing has changed in our community when it comes
9 to relationships with law enforcement. Nothing has changed
10 when it comes to the political landscape of this argument.

11 So I think, your Honor -- if you allow more
12 transparency and more diversity of thought in this process, I
13 think we will have a better outcome when it comes to law
14 enforcement training, law enforcement stop and frisk
15 stipulations.

16 Those things are -- they are happening in our
17 community egregiously, and I can get the community engaged so
18 that that argument can be on the forefront.

19 With that being said, your Honor, I thank you so
20 much for having this hearing, and I hope to work closely with
21 the consent decree group moving forward.

22 THE COURT: Thank you very much, Mr. Douglas. That
23 was helpful, and I appreciate your comments. I have made
24 some notes here. I think we're -- I very much appreciate
25 that.

1 I would like to hear from our next speaker, which
2 is Speaker No. 6, Address Holloway. Is speaker Holloway with
3 us this afternoon? You are welcome to turn on your camera if
4 you have got one or speak up by phone.

5 (Brief pause.)

6 THE COURT: Maybe we don't have that person with us
7 right now.

8 How about Ronald Jackson, No. 7? Are you with us
9 this afternoon, Mr. Jackson?

10 (Brief pause.)

11 MR. JACKSON: Good afternoon.

12 My name is Ronald Jackson.

13 THE COURT: Great. Good afternoon, sir. You are
14 welcome to make a statement. Thank you for joining us.

15 MR. JACKSON: Okay. Thank you all for having this
16 forum.

17 It's important for us to especially look at the
18 consent decree inasmuch as the streets of Chicago have laws
19 and then there are rules. They have to say a lot of our law
20 enforcement are more focused on rules than they are on the
21 rule of law.

22 It insults the mind to have individuals that are
23 actually sworn to uphold the law that basically have no
24 respect for citizens and everyone is treated as a suspect.

25 I'm basically into mental health. And if I go back

1 you know, and start talking about, you know, the lack of
2 mental health for police officers and all, that has to come
3 into play in this conversation because when you are talking
4 about stopping people just for absolutely no reason -- since
5 the consent decree, we have had five people that have led the
6 Chicago Police Department, whether they be actual
7 superintendents or interim superintendents, but each one of
8 them only looks at the fact of how many guns are taken off of
9 the street. And in doing so, a lot of those individuals that
10 were stopped didn't give consent to have their cars searched.

11 When you're Black and you're stopped in the
12 neighborhood, the idea is, you get out of the car and you
13 hold onto the hood. That's the reason -- that's where the
14 concept of "hood" came into play. You get out, you put your
15 hands on the hood, and basically whatever they do, they do on
16 the strength of authority. That authority is being abused,
17 and it's been abused far too long, and it's impacted far too
18 many.

19 As we go forward with this consent decree, yes,
20 it's important for us to put specific lettering into the
21 consent decree so that there is no buts or ands. It is --
22 that's the way it must be.

23 But also, that has to -- that comes into play
24 because everybody doesn't want to play fair. And in all
25 cases, it's an officer. And, I mean -- you know, I'm not --

1 I'm not one of these, you know, I'm against all police, I
2 mean, you know. But we have to have police -- we have to
3 have good police that make sure that bad police aren't
4 reflecting on our communities. And too often that's the
5 case.

6 I'm one of those -- I'm old enough to remember back
7 in the '60s when on the website in Chicago there were the
8 Jackson and Johnson police. And the idea there was that
9 these were Black officers that ruled with an iron hand.

10 Now we come up in -- and these are Keystone Kops.
11 You know, they race up and down -- they race up and down my
12 street, you know, and just for someone not having a blinker
13 on. And then there's two and three cars that pull up, you
14 know, just to -- to investigate it.

15 I've sat and watched as people are pulled over and
16 have asked people, "Well, what did you do?"

17 "I don't know."

18 But they are young, they are Black, and they are
19 driving.

20 I have to also look at the fact that we are having
21 all of these stops, but when it comes down to it, it's not
22 lessening crime. They are not solving -- as many carjackings
23 as they have, we are not finding those carjackers. We are
24 not finding those lost cars. We are not solving the crimes,
25 but we are focused on talking about taking the guns off the

1 street. We are focused on a good person not fully stopping
2 at a stop sign. They are using that as a criteria for
3 stopping that person.

4 And when you see those blue lights behind you, you
5 panic. Automatically, you panic. Every Black person that I
6 know would panic to have blue lights behind them because you
7 don't know what type of officer you are about to encounter.
8 You don't know what they are going to say and how they are
9 going to treat you.

10 I understand that the streets are tough out here.
11 Things are changing. When it comes down to it, until we look
12 at the mental health aspects of both police and the
13 community, nothing is going to get right.

14 But as far as the stop and frisk, we need to make
15 sure that the law is followed and not the rules of officers
16 that abide by or make up their own rules as they go along.

17 THE COURT: I do appreciate that. Thank you,
18 Mr. Jackson. Thanks very much for making the time to speak
19 with us this afternoon.

20 I think we are going to move to our next speaker,
21 which I believe is Speaker No. 8, Roxanne Smith.

22 MS. SMITH: Good afternoon.

23 THE COURT: Good afternoon to you, Ms. Smith.
24 Thank you for joining us.

25 We can see you and hear you.

1 MS. SMITH: Thank you.

2 My name is Roxanne Smith, and I'm an organizing
3 leader and the board president of Communities United. Also,
4 I'm part of the coalition.

5 First, I would like to thank you,
6 Chief Judge Pallmeyer, for allowing us to share our lived
7 experiences. And I hope I share testimony to help to inform
8 and improve how to address the stop and frisk stipulation, as
9 it currently falls short of adequately remedying CPD's stop
10 and frisk, as an overwhelming number of Black and Brown
11 communities continue to fall victim to unlawful and
12 unnecessary stop and frisk practices.

13 I imagine that most, if not all, of the attorneys
14 for the City and AG's office who negotiated the stipulation
15 have never been stopped and frisked in their life. Well, I
16 have.

17 I experienced my first stop and frisk by the
18 Chicago police when I was just 18 years old. I was with a
19 family member, and we were walking to a restaurant close to
20 the Chicago Stadium, which is now called the United Center.

21 Held randomly and without cause, the police stopped
22 us, handcuffed us, and put us in a police car and
23 interrogated us without explanation.

24 I felt ashamed, embarrassed, and powerless. All
25 too often Black women, like myself, have encounters with the

1 police that leave us feeling less than and in search of
2 justice that is often never received. Do we not deserve
3 justice at the hands of the police? Something needs to
4 change.

5 Now, this happened in 1976. Our Black and Brown
6 communities continue to experience the harassment up to this
7 day. One out of eight Black people in Chicago have been
8 subjected to these stops by CPD. Only a tiny percentage
9 result in finding any weapons. I believe this is racial
10 profiling, not public safety.

11 We cannot continue to live in fear. When are we
12 going to put a stop to these discriminatory stop and frisk
13 tactics and demand justice?

14 Not only is stop and frisk costing us, the
15 taxpayers, money to settle lawsuits against CPD, but it
16 continues to traumatize our communities as well as myself.
17 And it fails to keep our streets safe from dangerous weapons
18 and crime. It is a proven failure. How can we expect a
19 trusting relationship between the community and the police
20 when there has not yet to be an honest and true attempt to
21 abandon the unfair stop and frisk tactics that live and are
22 practiced within the police department?

23 What is our demand? We demand a stronger
24 stipulation that will actually put an end to racially
25 discriminatory stop and frisk, and we demand that those of us

1 who have actually experienced the trauma and degradation of
2 stop and frisk have a seat at the table.

3 We have a life-or-death opportunity here to place
4 provisions that will end decades of trauma and communal fear.

5 Your Honor, we ask that you order that changes be
6 made to end discriminatory stop and frisk and that you give
7 the community members who are most impacted a say in
8 developing the solutions.

9 And I thank you for hearing me today.

10 THE COURT: I thank you, Ms. Smith. Thank you very
11 much for your comments.

12 I'm making notes on all of these things that you
13 are saying; and, of course, we will have a transcript as
14 well.

15 All right. Eric Wilkins, No. 9, I believe, is next
16 on our list.

17 Mr. Wilkins, if you are available right now, you
18 are welcome to turn on your camera and make a statement.

19 MS. GARCIA: Your Honor, if you could, give us one
20 moment. Mr. Wilkins is on the Communities United zoom.

21 THE COURT: Sure.

22 I can see you now, sir.

23 MR. WILKINS: Good morning. Good morning.

24 I just want to say thank you again for having us.
25 I'm an organizer with Communities United in Roseland.

1 And I echo everything that was said before me. You
2 know, I honestly -- can honestly say I see no change in the
3 attitudes of the officers out here in the streets. You know,
4 we really need to have more people at the table from the
5 community talking with the police.

6 You know, the officers now, I've witnessed on
7 multiple occasions, they have a new thing where they just
8 stop guys and handcuff them together and pat them down, you
9 know. And I feel as if that's like -- that's like a form of
10 a rape. You know, they pat you down. They go through your
11 pockets. They feel all over you. And then they just let you
12 go.

13 In the '90s, when I was younger, they used to call
14 that mob action. They used to just come mess with us. We
15 could be standing outside walking. They come up, do whatever
16 they want to do, and then just let us go, you know. And I
17 think that's unacceptable.

18 The consent decree has been in effect for some time
19 now, you know. And we're asking and we're pleading with
20 them. We have been meeting with you and the judge before you
21 about change for CPD. And I think it's very disrespectful
22 simply to you. You know, you're the judge, and they know we
23 coming before the judge. It's like they're not respecting
24 none of your actions, nothing that you're putting down, you
25 know.

1 So we really want to have more hearings. And I
2 think that we really need to have the community at the table
3 where we can start holding these various officers
4 accountable. Accountability is a must. The commanders have
5 to be held accountable. The sergeants have to be held
6 accountable. Because once we finish this, it's back to
7 business as usual.

8 And that's all I really want to say, because I see
9 no change, and I've spoken at every hearing. It's getting
10 kind of frustrating, you know, to see -- to come talk with
11 you, knowing that Communities United and the ACLU and the
12 other parties inside this coalition are working real hard to
13 change something, and I go home and there's no change.

14 Thank you.

15 THE COURT: Thank you, Mr. Wilkins.

16 I share your view that there should be change, and
17 we have to be able to measure the change. Beyond any
18 individual personal experience, we are going to have to see
19 data to see whether there has been a change in some of the
20 concerns and policies that have generated the consent decree
21 in the first place.

22 All right. That was Mr. Wilkins.

23 And I think the next speaker that is scheduled to
24 speak this afternoon is Dr. Vince Davis.

25 So Dr. Davis, if you are with us, please do turn on

1 your camera or get on the phone and make your statement.

2 (Brief pause.)

3 THE COURT: Dr. Davis, I don't know whether you are
4 trying to get on board, but certainly we will keep you on the
5 list in case you pop in later.

6 Let me move to the next individual who's listed
7 here.

8 MR. DAVIS: You got me.

9 THE COURT: Oh, we got you. Good. Great.

10 Dr. Davis, good afternoon. Thank you for joining
11 us.

12 MR. DAVIS: Okay. I don't see you, but it's an
13 honor to be here.

14 THE COURT: I don't see you either, but it's an
15 honor for us to have you with us. And I'm hoping I will be
16 able to hear your statement. So go right ahead, sir.

17 MR. DAVIS: Hello?

18 THE COURT: Yes. Hello, sir. Go right ahead.

19 MR. DAVIS: Oh, yes. Okay.

20 It's an honor to be here again speaking.

21 The stipulation -- you mentioned something about
22 the changes have to be measured, and that's very true.

23 But I think it's very advantageous that the
24 stipulation include the truth cone effect. The truth cone
25 effect is -- it's like a triangle. And the triangle has --

1 what's inside of it, it has -- just visualize a triangle.
2 Inside that triangle, from the bottom to the top, it has
3 suspicious; reasonable suspicious; probable cause; and,
4 lastly, no doubt.

5 And I think this is a good way for officers to
6 visualize when they are out there in the field to -- when
7 they see something, that there's a probability of a crime
8 that's about to be committed.

9 I remember that when I was at the State's
10 Attorney's Office in my internship, and they brought that to
11 me, and I kept it in my long-term memory.

12 And there's another thing that I solemnly believe.
13 The length of detention -- you know, the length of
14 detention -- the duration plays a very important factor. We
15 should limit the amount of time that that person that's being
16 detained or whatever is in custody. Okay.

17 I understand that an officer may briefly detain and
18 question individuals, but he cannot prolong -- he cannot
19 prolong the stop to try to create no doubt that a crime has
20 been committed. So that has to be addressed, too.

21 And I guess one of the speakers mentioned
22 nondiscriminatory, you know, stops. Stops should not be
23 based on gender, you know, ethnicity.

24 And another thing, the pat-down. I know the
25 pat-down is very essential, because that's a *Terry* stop

1 standard. The protective pat-down, you know, is conducted
2 when an officer reasonably believes -- and then it has been
3 in the past that I have seen officers pat down, but I
4 understand that it has to be for his or her safety. It has
5 to be for his or her safety.

6 But, again, right now, I'm in law enforcement, too,
7 as well. But I think that should be addressed, too, you
8 know, the *Terry* stop, the U.S. Supreme Court case.

9 And lastly, why not create a state statute? I
10 think a state statute has more strength rather than an
11 ordinance.

12 And as I told -- talked to the monitor, Maggie,
13 call me. I'm an expert. I taught criminal justice,
14 investigation. I worked in the Office of the Inspector
15 General. I know about police deviancy. Call me. I can -- I
16 can put some things together for you.

17 And I know the consent decree is missing some
18 things that are very advantageous to have in there. I know
19 that.

20 But, again, you know, call me, Maggie.

21 And, your Honor, thank you for allowing me to
22 speak.

23 THE COURT: Well, thank you, Dr. Davis. We
24 appreciate your input, and your observations are important to
25 us. So thank you.

1 All right. I think that we have completed all the
2 way up through 10.

3 No. 11 has been taken off the list.

4 So No. 12 would be Rev. Dr. Waltrina Middleton.

5 So, Rev. Middleton, if you would like to be heard,
6 I hope you will turn on your camera or your phone right now.
7 We will be happy to hear from you.

8 (Brief pause.)

9 MS. MIDDLETON: Hi. Good afternoon. Greetings to
10 all, your Honor.

11 I'm Rev. Dr. Waltrina Middleton, executive director
12 with Community Renewal Society, a century-old, faith-based
13 nonprofit in Chicago with a mission to eradicate racism and
14 poverty towards building a beloved community.

15 Our affiliated congregations and membership
16 represent the Greater Chicago area and its suburbs. Our
17 platforms range from police accountability and Chicago's
18 consent decree to restoring rights.

19 Community Renewal Society, also known as CRS, is a
20 member of Communities United, a coalition of conscious and
21 concerned organizations committed to equity, justice, and
22 accountability. And I wish to briefly acknowledge and thank
23 all of my comrades who share in this work.

24 Just shy of a year ago, I was on my way to a
25 funeral of a beloved friend by way of rideshare. The driver

1 was a Black man, who just spent the morning with his young
2 son. He drove to make extra money and was feeling, in his
3 words, blessed because of the time he shared with his child
4 on that day.

5 He drove a luxury vehicle. And at some point on
6 our route, we noticed a police car conspicuously parked off
7 of the main road and partially in an alley. Sadly, we both
8 tensed up a little as we drove by, and almost immediately the
9 blue lights went off, and we were stopped.

10 The officers were seemingly irritated because the
11 driver spoke up for himself, emphasizing he was cognizant of
12 his rights and stated he did not feel safe.

13 The driver believed he was stopped without
14 justification. The driver was questioned about his license
15 plate, which clearly indicates he had a license to carry.

16 I believe there was a prejudiced presumption made
17 about a Black man with naturally locked hair driving a luxury
18 vehicle on the South Side of Chicago with a license to carry.

19 After being delayed and being intimidated by the
20 two officers walking around the car, peering into the windows
21 with their hands on their guns, we left without a clear
22 understanding of why we were stopped and delayed.

23 I believe if I was not a passenger in the car with
24 my cell phone out and ready to record, the driver could have
25 experienced more biased harassment.

1 I gave the driver my card and said to call me if he
2 needed a witness to support any complaints. He said I was
3 his first and now his last customer of the day.

4 He was visibly shaken as he thought about his
5 beautiful morning with his son and how his encounter with the
6 police could have prevented him from returning home to his
7 family.

8 He also thought aloud, "What if my boy was in the
9 car with me?"

10 My driver's fears were warranted due to extensive
11 history in our nation and, sadly, in our city where police
12 have stopped, harassed, and harmed individuals,
13 disproportionately Black and Latinx communities.

14 Every citizen has a right to have confidence they
15 will return home safely to their families, both police and
16 civilians.

17 Every citizen has a right to make a living in peace
18 without threat, intimidation, fear, or discrimination, both
19 police and civilians.

20 But that day I was burdened by the juxtaposition of
21 preparing to attend a funeral and, while innocently en route
22 to that funeral, feeling threatened and afraid for my own
23 life, afraid I would witness harm to the driver as well.

24 I wondered, where is the sanctity of life if we
25 cannot live without fear of our law protectors?

1 The Department of Justice report on Chicago Police
2 Department illuminates excessive use of force by police and
3 biased practices rooted in racial discrimination and poverty.

4 Independent monitor Maggie Hickey's report on these
5 behaviors suggest very few stops turn up illegal guns or
6 drugs and, thus, to me, reflects ineffectiveness.

7 Stop and frisk does not reflect a system designed
8 to serve and protect, but instead creates terror, and
9 threatens to criminalize normal daily practices, like
10 socializing with friends, sitting on your porch, or walking
11 your dog in your own neighborhood.

12 No longer can we accept police violence during
13 street stops, including throwing people against cars or
14 walls.

15 No longer can we accept police using loitering as
16 an excuse to frisk people and search their bags or
17 belongings; or, as in my case with the rideshare driver, we
18 cannot accept police stopping people randomly to ask about
19 guns or, in some instances, drugs, albeit by foot or car.

20 My hope for a safer community is for greater
21 transparency with the tactics used by CPD, including a clear
22 explanation for its use of stop and frisk tactics and its
23 effectiveness.

24 My hope is for CPD to examine the effectiveness of
25 this practice since few stops actually uncover illegal guns

1 or drugs.

2 My hope is for CPD to commit to building and
3 nurturing trust with communities they not only serve but as
4 residents themselves.

5 My hope is for CPD to stop creating divides that
6 harm the humanity of us all and, thus, threatens the sanctity
7 of life.

8 I invite CPD to work collaboratively with
9 grassroots organizations, like Community Renewal Society, and
10 coalitions, like Communities United, in our efforts to ensure
11 police accountability with community oversight and through
12 respectful, transparent, culturally sensitive, and
13 intentional engagement.

14 There cannot be effective change without those who
15 are directly and disproportionately impacted at the table.

16 CPD's policing strategy of conducting tens of
17 thousands of street stops and frisks every year perpetuates
18 violence and fear. With expediency, we call for the end of
19 this practice for the sake of public health, public safety,
20 public trust, and public healing and repair.

21 I thank you.

22 THE COURT: Thank you very much, Rev. Middleton. I
23 appreciate your comments, and I appreciate the account that
24 you gave us.

25 I think we are ready to hear next from Carlton

1 Mayers II. That's Speaker No. 14.

2 So, Carlton Mayers, if you are with us, you are
3 welcome to speak up now, sir.

4 (Brief pause.)

5 MS. HICKEY: Your Honor, while he was here earlier,
6 I no longer see him on the screen.

7 THE COURT: We will recall him in a moment, but for
8 right now, we will turn to No. 15, which is Crista Noël.

9 Ms. Noël, are you with us this afternoon? Speaker
10 No. 15, Ms. Noël.

11 (Brief pause.)

12 MS. NOËL: Hi. I am here. Can you hear me?

13 THE COURT: Yes, I can. Thank you, Ms. Noël. You
14 are welcome to make a statement.

15 MS. NOËL: Okay. Good afternoon, everybody, and
16 your Honor.

17 Let me expand on what actually happens with stop
18 and frisk. You are kind of lucky if you just get stopped.
19 You are kind of lucky if you just get frisked.

20 But what usually happens is, you get stopped, you
21 get frisked, you get arrested, you get jailed, you get
22 imprisoned, and sometimes that means death.

23 As we know, Sandra Bland, a simple turn signal led
24 to her death.

25 Irene Chavez, arrested over a minor altercation in

1 a gay bar, led to her death.

2 So we have to understand that stop and frisk goes
3 beyond and can lead to death. So we have to end all
4 arbitrary arrests. We have to end -- everybody has spoken to
5 the fact that these simple situations turn into arrests.

6 And we are dealing with, not mental health, in the
7 sense that we are dealing with people whose egos are a little
8 off base. You know, they are so into power and control that
9 any conversation is considered a confrontation and a
10 confrontation where they feel that, through their badge, they
11 have the right to then arrest you.

12 So I will give you an example. And I want to make
13 sure that your Honor understands that the city of Chicago's
14 police department trains 99 percent of the police in the
15 state of Illinois. They give them their first 600 hours.
16 What we are doing under this consent decree affects the
17 entire state of Illinois.

18 Elijah Hudson -- Rev. Waltrina just talked about
19 it -- he's in an expensive car. He's got a legal weapon.
20 He's got all his paperwork in the car with him. His legal
21 weapon is in the bag. And he is stopped over the little
22 piece of plastic over -- on the back of your car. That is
23 what they said they stopped him for, that little piece of
24 plastic that says "03-23." Right? Okay. It had -- it was
25 expired.

1 So what happens? Instead of focusing on why they
2 stopped him, which was the sticker, they start asking about
3 his gun.

4 And so he asks a simple question. "Why are you
5 asking me about my weapon when you stopped me for a sticker?
6 Write the ticket for the sticker, and let me go on my way."

7 But no, they couldn't. They couldn't. They
8 couldn't even answer why they were discussing his gun. They
9 wouldn't answer it. They wouldn't answer how they escalated
10 from stopping him for a sticker to his gun.

11 And this is what I found out. They pull your
12 plate. They know. It comes up that you are a CCL.

13 So why do you ask me if I have one? Well, you know
14 what? The state law says that you have to tell a cop if you
15 have a gun if he asks. Right? So they stop him knowing he
16 has a gun and then entrap him in a conversation about his
17 gun. And he's wondering why we are having the conversation.

18 And it wasn't a stop and frisk. They reached in
19 his car, grabbed his bag out, took the gun out, showed it to
20 everybody on the street. You're handling a loaded weapon,
21 and it's not yours, and you're showing it to everyone on the
22 street. What? This is what they do. This is what they do.

23 Then they insisted on arresting him. Then when
24 they arrested him, your Honor, they dismissed the case. But
25 they didn't even listen to him. They didn't let him say one

1 word. They dismissed the case. And you know what they said
2 to him? "We're going to dismiss the case, and we're going to
3 destroy your legal weapon."

4 It took us a little while. We had to bum-rush the
5 commander, who supposedly had reviewed his paperwork two
6 weeks earlier but didn't know who he was when he stood in
7 front of him and shook his hand and said what his name was.

8 We got the weapon back, but that's what we had to
9 do.

10 So how many times are they harassing legal weapon
11 owners, Black legal weapon owners?

12 And we offered an olive branch. We said to the
13 Chicago Police Department at police board meetings, we said
14 to the commander, we have spoken to police officers, and we
15 said to them, "We need to know and come to an agreement on
16 how you are going to stop and handle CCL owners."

17 And do you know, they have not called us back and
18 attempted to do anything to make that transition easier or
19 make that encounter easier.

20 And while he was picking up his gun, there was
21 someone else there who was picking up their legal weapon. So
22 this is something that the Chicago Police Department is
23 doing. It's not stop and frisk. It's stop and arrest.

24 THE COURT: Thank you so much, Ms. Noël. I have
25 made some notes about this, and I appreciate your telling us

1 about that episode. So thank you.

2 And I believe we are ready now to hear from
3 Speaker No. 16, which is Zerell Davis.

4 So if Zerell Davis is with us, you are welcome to
5 speak up now.

6 (Brief pause.)

7 THE COURT: I think maybe there is somebody from --

8 MS. HICKEY: Yes. Mr. Davis, you are on mute.

9 THE COURT: Why don't you start over now that you
10 are unmuted.

11 MR. DAVIS: Good afternoon, everyone.

12 THE COURT: Good afternoon.

13 MR. DAVIS: My name is Zerell Davis. I'm a CP4P
14 worker for ONE Northside. I work in the areas of Rogers Park
15 and Uptown area. I supervise a team of outreach workers on a
16 day-to-day. We work in the hot spot areas dealing with youth
17 from ages 14 to about 25 on a day-to-day.

18 With my experience that I have when it comes to
19 stop and frisk, I can go back -- I can go back years until
20 now.

21 Like, you know, coming up as a teen and as a young
22 man in Chicago, being raised on the West Side and the North
23 Side of Chicago, police districts do a lot of -- some of them
24 mostly do the same thing, but a lot of them go about things a
25 different way.

1 And from my experience as a young man, it kind
2 of -- the stop and frisk kind of starts at the age of 12 --
3 about 12 or 13 years old. At least at 11, about sixth grade,
4 fifth grade, a lot of kids get started to get stopped at that
5 age. I started getting stopped at that age.

6 In 2023, with me canvassing the areas of
7 Rogers Park and Uptown, a lot of these hot spots, I still see
8 police stopping kids at that age. A lot of times at that
9 age, we're not aware -- they're not aware of their rights.
10 They're not aware of things they should know about, you know,
11 when it comes to policing and knowing their rights and stuff
12 like that. So a lot of these kids just, you know, let the
13 police just stop them, let them frisk them so the kids can go
14 about their day, you know.

15 One of the sayings growing up -- when we was coming
16 up, police would say, "Hey, grab some hood." As soon as they
17 pull up on us, we all knew that mean grab the hood, you know.
18 So that was a regular everyday thing for us coming up in
19 Chicago, especially on the North Side of Chicago, especially
20 being a Black minority.

21 So, you know, in these neighborhoods I have seen,
22 you know, with just us hanging out at the park, just us
23 walking down the street, police pulling up on us. They make
24 us open our mouths, checking for drugs. They'll check our
25 drawers. They'll pull our pants down. They'll make us take

1 our shoes off. They make us take our socks off. They
2 basically degrade us in front of the whole neighborhood, you
3 know. It's been going on since I was a kid, and it's still
4 going on today.

5 With me being an outreach worker, I work with a lot
6 of participants that still deals with these things on a
7 day-to-day basis. Most of the time I get calls from my
8 participants telling me they are being harassed by police
9 officers, that they are being followed by police officers,
10 that they probably checked them but still follow them to try
11 to see where they go.

12 So sometimes I have to come pick my participants up
13 from certain areas that the police might be harassing them
14 in.

15 I had to come on some scenes before and wait until
16 some of my participants be detained because they don't feel
17 comfortable. Sometimes they be scared, not knowing if they
18 are going to go to jail for nothing or get some drugs put on
19 them for nothing.

20 Just being in the community of Rogers Park and
21 Uptown area, I just see a lot, you know, that have not
22 changed since I've been coming up as a teen. And I would
23 think that, you know, as me being 35 now, that it would be
24 some type of change, but I have not seen any much change in
25 the community as far as when it comes to stop and frisk.

1 We deal with a lot of police officers that's not
2 from the area or from different, like, backgrounds come to
3 these areas. And they don't know these kids. They don't
4 know the community. So they react in a way of like everyone
5 is criminals, which give, like, the kids -- which terrifies
6 the kids, which terrifies our youth. It terrifies the
7 neighbors and the business owners as well.

8 A lot of business owners, a lot of neighbors, a lot
9 of people in the community don't want to deal with police
10 most of the time when it comes to everyday day-to-day things.
11 They only want to call police when it's, like, a crime, you
12 know.

13 But sometimes we can be just having a regular day
14 outside. The police will come. They will start an uproar,
15 and, you know, they create a big scene for the neighborhood.

16 So I'm just here to, you know, just support the
17 movement on trying to, you know, reconstruct the stop and
18 frisk movement and, you know, try to help my community best
19 way as possible. And, you know, I'm still trying to be the
20 best pillar in my community the best way I can.

21 So definitely that would help me, with some of my
22 participants as well, like, just dealing with, you know,
23 police, just wanting them to engage with us in a better way.

24 Just know that a lot of our community members go
25 through trauma, you know. Some of these community members,

1 you know, they get homeless. They become homeless. They
2 don't have food at home. They could be coming out they house
3 one day, and some officer say -- something might happen.
4 "Who are you?" And they get stopped for no reason. And it
5 creates a big problem.

6 Some of these people, they just day-to-day people,
7 you know. Some of these people don't know anything about
8 crime, never committed crime, and still get harassed by
9 police.

10 So that's just my input. I just wanted to put that
11 out there. And that's pretty much all for me.

12 THE COURT: Well, Mr. Davis, I want to tell you,
13 first of all, I appreciate your comments. They were very
14 thoughtful.

15 I just also want you to know that you came in at
16 exactly five minutes -- five minutes, zero, zero -- which
17 impresses me because that's very hard to do.

18 Anyway, I made notes about what you had to say, and
19 I appreciate what you are doing on behalf of the community
20 here this afternoon. Your time is important, so thank you.

21 MR. DAVIS: Thank you.

22 THE COURT: And I think our next speaker is Darrell
23 Dacres.

24 I'm not sure I pronounced your name correctly. Is
25 it Mr. Dacres?

1 MR. DACRES: Darrell Dacres.

2 THE COURT: Dacres. Okay.

3 Good afternoon, Mr. Dacres. I'm I mispronounced
4 your name. Happy to hear from you this afternoon, sir.

5 MR. DACRES: Good afternoon, your Honor.

6 So currently I'm the program manager for violence
7 prevention at ONE Northside, CP4P, Communities Partnering 4
8 Peace, Organizing Neighborhoods For Equality.

9 Since I've been at ONE Northside, I've been a part
10 of their police accountability team. I help fight with the
11 GAPA ordinance; ECPS, Empowering Communities for Public
12 Safety. I've been elected as a district counsel
13 representative for the 20th District. I take my work very
14 serious. And the people in my community expect me to
15 represent them well.

16 I come today not just speaking on my own behalf but
17 on behalf of my participants, my coworkers, other boards that
18 we work with and partner with.

19 It's very important that our voice is heard on
20 issues as far as stop and frisk with the consent decree. I
21 help fight for the consent decree. And the people who I
22 help -- well, that voted for me to represent them think that
23 we have power or input over these issues.

24 They constantly ask myself and my staff about,
25 like, hey, what are we doing about the harassment, the police

1 brutality, the things that's happening on those corner blocks
2 and those alleys with the participants? And they pretty
3 much -- you know, they feel like it's no hope, so they don't
4 make complaints.

5 As you heard, some of these people mentioned in
6 their stories what it's like to get stopped and frisked.
7 Those stops are not, like, uncommon. It's not like, hey, one
8 in a million, you might get a bad cop. It's routine where
9 you're borderline dealing with close to what some people
10 would consider sexual assault, police officers pulling at
11 your genitals, putting their hands between your butt cheeks,
12 and choking you, and looking in your mouth and saying you
13 maybe swallowed drugs. And on the off chance that you
14 didn't, it's, like, hey, get out of here.

15 And whatever corner that they pull you over on,
16 you're labeled as a gang member from that area, which I was.
17 It led me into a life of gang violence. I wasn't in a gang.
18 I was labeled in a gang, being pulled overdue to stop and
19 frisk.

20 That community that I was in -- at the time I was
21 student counsel president, about seventh grade, as Zere'll
22 said. Being that young, you kind of don't feel like you have
23 a lot of options.

24 I was an honor roll student by the time I was in
25 eighth grade. And I didn't get accepted to any, you know,

1 high school college prep schools. I felt like everything was
2 against me. You know, I was already labeled in a gang. I
3 didn't get accepted into schools, although I had the grades.
4 There was people with lower scores than me accepted into
5 these schools. So I kind of ended up in the gang life.

6 But that was predetermined for me by being subject
7 to stop and frisk. Before I had the opportunity to say I was
8 in this gang or I was in that gang, I was constantly,
9 constantly victimized by the police in the community in the
10 20th District and 24th District, which is why I fought to get
11 some police accountability so hard.

12 So I just wanted to, you know, express how
13 important it is that grassroots organizations are at the
14 table when these decisions are being made as far as our
15 community, because when we fight for things like the consent
16 decree and ECPS and to have the community's voice heard, we
17 don't expect back-door deals happening between politicians
18 and the police. And the result is that it affects the
19 community.

20 Like, I've heard several people say today the
21 crimes are not being solved more, but there is more people
22 being pulled over.

23 And like I expressed earlier, we are talking about
24 borderline sexual assault cases happening on these corners.
25 This is not just like a one-in-a-million thing. This is

1 something that's happening on a regular. And most of the
2 time, due to being embarrassed or, you know, street policies
3 of not, you know, talking -- you know he's not going to go to
4 the police for help and they're the ones that's doing the
5 abuse to you.

6 So those stigmatism are stopping a lot of these
7 cases from being filed where I had to get over that
8 stigmatism. And I help people file those cases now, because
9 it's just a stigmatism of nothing is going to happen.

10 So I ask you, your Honor, as an elected
11 representative, myself to please, like, put that power back
12 into the hands of the community and the organizations that's
13 fighting so hard to put it on the forefront in the first
14 place.

15 Thank you.

16 THE COURT: Thank you very much, Mr. Dacres. I
17 appreciate your time this afternoon.

18 I want to back up here. We did not hear earlier
19 from Carmelita Earls. She is listed as the first speaker,
20 and she wasn't with us earlier.

21 So, Ms. Earls, if you are with us now, we would be
22 happy to hear from you.

23 (Brief pause.)

24 THE COURT: And then we also were waiting to hear
25 from Carlton Mayers. I know he was with us earlier but is

1 not -- dropped off for at least a little while.

2 So, Mr. Mayers, if you are with us, you are also
3 welcome to make a statement, sir.

4 (Brief pause.)

5 THE COURT: All right. Have I missed anybody else
6 on the list? I think that we have certainly heard from
7 everybody I expected to hear from. Again, not Ms. Earls or
8 Mr. Mayers, but everybody else has had a chance to speak up,
9 and I have made some notes.

10 I think we are, then, ready to conclude. We can
11 turn to Ms. Hickey once again for some closing remarks, and
12 then I will hear from the lawyers for the parties with
13 closing remarks as well.

14 So we can begin with the monitor.

15 MS. HICKEY: Thank you, your Honor.

16 The Independent Monitoring Team and I want to thank
17 the community members who spoke today. Your voices and lived
18 experience will assist the Court in reviewing the stipulation
19 and assist the Independent Monitoring Team as we review the
20 consent decree.

21 I also was grateful to hear one of the community
22 members discuss the leaders of the Independent Monitoring
23 Team's Community Engagement Team, Joe Hoereth and Dr. Elena
24 Quintana. And, again, welcome anyone that wishes to interact
25 with the Independent Monitoring Team to reach out through the

1 Monitoring Team's website and also encourage them to reach
2 out to CPD, too, if they want to.

3 And we also look forward to reviewing any written
4 comments that are provided this week and working in the
5 future and every day with the community.

6 Thank you.

7 THE COURT: Thank you very much, Ms. Hickey.

8 I want to thank the monitor and the whole team for
9 the work that you have done in gathering information that we
10 need, obviously, to determine that the consent decree is
11 having the kind of effective change that we are all hoping
12 for.

13 Mr. Wells and Ms. Meek, I know that we had you
14 scheduled for closing remarks as well on behalf of the
15 Illinois Attorney General.

16 So if you would like to make some statements now,
17 that would be fine.

18 MR. WELLS: Thank you, your Honor.

19 I'm going to hand it over to my colleague, Amy
20 Meek.

21 MS. MEEK: Thank you, your Honor.

22 And on behalf of the Office of the Attorney
23 General, we want to thank the Court for holding this hearing
24 and the Independent Monitoring Team for arranging the
25 logistics and, most importantly, want to thank each and every

1 person who testified today and who shared their personal and
2 often really traumatic stories.

3 We know how frustrating it can be to come to these
4 hearings to share deeply personal and traumatic experiences
5 and to feel like those experiences are not being heard or
6 considered.

7 And, again, I first want to just emphasize this is
8 the reason why we pushed for this hearing to be held
9 specifically on the stipulation on investigatory stop and
10 frisk practices. We felt that it was vitally important that
11 people who have been personally impacted by these practices,
12 Black and Brown Chicagoans who have experienced this
13 firsthand, be given the opportunity to speak their stories on
14 the record, share their concerns, and identify issues that
15 they felt have not been considered in the room where we are
16 able to make these negotiations.

17 I want to, in that spirit, offer just a few
18 reflections on some of the themes and the issues that we have
19 heard today. And I know myself and my team with the
20 Attorney General's Office have taken careful notes and are
21 going to continue to be reflecting on a lot of these stories
22 and the information shared today.

23 First of all, I want to emphasize that we have
24 heard over and over again the harms that these stops and
25 pat-downs have on everyday Chicagoans, and that whether or

1 not you're -- an officer who stops you or pats you down finds
2 any form of contraband -- and as we heard from many people
3 today, all too often these stops are rarely actually
4 uncovering any guns or other contraband -- whether or not
5 there is anything recovered as a result of this stop, that
6 these stops have real harms, and they cause real trauma for
7 people, that it can be traumatic to be stopped and inherently
8 traumatic to be stopped and treated as if you are a criminal.

9 The process of being patted down, we have heard
10 people say that it feels like a sexual assault. You're
11 having to open your mouth. You're being groped around your
12 genitals. Just the process of being patted down, whether or
13 not anything results from that, is inherently traumatic and
14 damaging to people and damaging to community trust in police.

15 And I think from that really flows the importance
16 of strengthening restrictions on these practices, on
17 continuing to restrict the bases that the officers have for
18 conducting these stops or these pat-downs, recognizing that
19 the harm that they cause is really inherent to the practice.

20 In particular, when these interactions occur with
21 youth, that youth need to be treated with particular respect
22 and that CPD officers' interactions with youth really need to
23 be examined in this process.

24 And the other theme that I think we have heard
25 today is that, over the last several years -- eight years

1 since the ACLU agreement first went into effect -- that CPD
2 has indeed restricted and largely moved away from pedestrian
3 stops as a crime-fighting tool; but, unfortunately, has, as
4 we have seen from data and from the stories today, moved from
5 pedestrian stops really to a pattern of conducting traffic
6 stops.

7 I think it's important to acknowledge that the ACLU
8 agreement, the *Smith* plaintiff lawsuit, and the stipulation
9 today all focus on the practice of pedestrian stops and
10 frisks and do not add additional restrictions specific to
11 restricting traffic stops.

12 I think, as we have heard from folks today, the
13 practice of engaging in traffic stops in largely Black and
14 Brown neighborhoods creates many concerns about racial bias,
15 about possible abuse of authority, and about having the same,
16 as we have heard, dehumanizing and traumatic impact on folks
17 in the community.

18 And our office will continue to push for additional
19 restrictions. And I think what we have heard is that the
20 consent decree, while it does have some general restrictions
21 around, for example, racial bias and racial profiling, needs
22 to take on the issue of traffic stops more directly when it
23 comes to restrictions. So that's an area that we look
24 forward to working with the monitor and others here on the
25 hearing on addressing.

1 THE COURT: Thank you very much, Ms. Meek. I
2 appreciate those comments.

3 I believe the City of Chicago attorneys may want to
4 make some closing remarks as well. Either Ms. Bagby or
5 Mr. Slagel, you would be welcome to speak up at this point.

6 MR. SLAGEL: Your Honor, it's Allan Slagel on
7 behalf of the City.

8 We want to reiterate our thanks to the Court, to
9 the monitor, to the AG, and everyone who participated today,
10 those from CPD who are actively involved in the efforts of
11 implementing the consent decree and reforms under it.

12 Appreciate the community's input for today, have
13 taken notes, and take the comments and concerns that are
14 raised very seriously, and continue to hope people will speak
15 out to either the monitor, the AG, or directly to CPD to
16 express their continuing thoughts and concerns.

17 Thank you.

18 THE COURT: Thank you, Mr. Slagel.

19 And I join Mr. Slagel in that comment, that we
20 really do want to hear from the community. We can't do
21 something about everything that we learn about, but we
22 certainly want to know about it. It helps to inform the
23 entire process to know what the community feels, what the
24 experiences have been, what your recommendations are and your
25 views are and your sense of what's happening out there.

1 That's important to us.

2 It's important to me to gather the statistical data
3 about what's happening, but I also need to hear what we are
4 hearing this afternoon, the individual anecdotes, the
5 individual experiences and perspectives of the people who are
6 directly affected by this. And these are people who not only
7 speak for themselves, but, as several of you mentioned, you
8 said you were speaking on behalf of your community or you
9 were speaking on behalf of community organizations or you're
10 speaking on behalf of neighborhoods.

11 So we really do need to hear from you. We need to
12 continue that process as the enforcement and development of
13 the consent decree moves forward.

14 I think this is a valuable exercise that we are
15 engaged in, and we are going to be repeating it. This is not
16 the last time that we will invite the public to speak up and
17 tell us what you think. And I hope that the communication is
18 going to be a two-way street. So you will be hearing again
19 from all of us.

20 The monitor prepares these, what I could only
21 characterize as massive reports. (Unintelligible) put
22 together. And they are very comprehensive and detailed.

23 So she is in a position of communicating with the
24 public as well in a formal and very -- formal detailed way
25 but also in the informal way that we are doing right now.

1 And I hope that you will be considering all those reports and
2 not relying exclusively on the short comments that we make at
3 these hearings that we have been conducting.

4 Anything further that we ought to be addressing
5 this afternoon?

6 MS. HICKEY: I don't believe so, your Honor.

7 THE COURT: Well, again, thank you, everyone.

8 Thanks to the lawyers. Thank you to the lawyers for the City
9 and for the Illinois Attorney General, and thank you for the
10 comments from the coalition. We understand your concerns,
11 and we take those seriously as well.

12 And, most important, thank you to the members of
13 the public who spent their time with us this afternoon and
14 made, I think, respectful and very helpful comments this
15 afternoon. I really very much appreciate that.

16 So I think we are ready to adjourn. Thank you.

17 MS. GARCIA: Thank you, your Honor.

18 MS. HICKEY: Thank you, your Honor.

19 MR. WELLS: Thank you, your Honor.

20 (An adjournment was taken at 3:52 p.m.)F

21 * * * * *

22 I certify that the foregoing is a correct transcript from the
23 record of proceedings in the above-entitled matter.

24 /s/ Frances Ward
25 Official Court Reporter

October 25, 2023.