

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
)	November 16, 2023
Defendant.)	1:00 p.m.

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

APPEARANCES:

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Also Present:

Commander Sean Joyce

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

3 THE COURT: Okay. We are ready to get started with
4 our public hearing this afternoon.

5 We only have limited time, and we have got a
6 relatively full agenda. So I just want to review quickly
7 that we expect to talk about -- we are going to hear from the
8 Independent Monitoring Team regarding their recent report,
9 IMR 8. We are going to hear from the City and the OAG about
10 TRED. We will hear from the City and the OAG about ISRs. We
11 are going to talk briefly about the search warrant process.
12 And then, if we have time, we will hear briefly from the
13 coalition as well if they have some comments.

14 But I'm expecting we will be able to wrap all of
15 this up by just a few minutes after 2:00 o'clock this
16 afternoon. If it runs to maybe 2:10, that's also fine, but I
17 would like to make sure that we keep things moving.

18 So why don't I begin by asking for the Independent
19 Monitoring Team's presentation regarding its recent report.

20 And even before I hear from you, I want to say what
21 a great job I think you did bringing this into a more
22 controllable, readable format that was easier for me to
23 digest, and I'm expecting that's also true for everybody else
24 who's interested in this process as well.

25 So we will hear from the monitor.

1 MS. HICKEY: Thank you very much, your Honor, for
2 convening us here today.

3 And, yes, we will continue every monitoring period
4 to try to make our reports more digestible for the public.
5 We were able to work that out with the parties and the Court.

6 On November 1st, 2023, the Independent Monitoring
7 Team filed IMR 8 and Part 1 of the comprehensive assessment,
8 which included the Independent Monitoring Team's assessment
9 of compliance through June 30th, 2023.

10 In our report, we detailed the significant amount
11 of work that remains for the City of Chicago and the CPD to
12 reach compliance under the consent decree, and we expressed
13 hope that, through transparency, the City and the CPD will
14 more efficiently plan for and achieve compliance. We hope to
15 hear about some of those plans today and the progress that
16 they are making.

17 Today's hearing is one step forward towards
18 additional transparency. While the consent decree permits
19 the IMT to report on progress on the consent decree through
20 semiannual reports, the Court and the Independent Monitoring
21 Team has received recent community feedback regarding the
22 need to hear more regularly and current updates on tangible
23 progress under the consent decree, including details on
24 existing challenges and the plans to overcome them.

25 This is the first regularly scheduled public

1 hearing for the consent decree. As schedules permit for the
2 parties and the Court, we will endeavor to hold these status
3 hearings on a monthly basis.

4 We also intend to include opportunities in the
5 court hearings for direct community feedback on at least a
6 quarterly basis. This will include in-person and virtual
7 opportunities for community feedback with the Court.

8 And, as I have said in the past and continue to
9 believe, the consent decree will not be finished until
10 Chicagoans feel changes in the policing in their
11 neighborhoods.

12 With that, I am going to turn it over to my
13 colleagues, Anthony-Ray Sepúlveda, who will address our most
14 recent report, and Meredith DeCarlo, who will describe our
15 assessments of the CPD's internal review procedures for uses
16 of force and investigative stops at the end of the eighth
17 reporting period.

18 MR. SEPÚLVEDA: Thank you.

19 As Independent Monitor Hickey referenced, under the
20 consent decree, the Independent Monitoring Team reports on
21 the City's and Chicago Police Department's progress under the
22 consent decree on a semiannual basis.

23 Most recently, the Independent Monitoring Team
24 filed Independent Monitoring Report 8 and Part 1 of the
25 comprehensive assessment. This report is available on our

1 website, cpdmonitoringteam.com, and includes the compliance
2 status for all original requirements, as well as the
3 principal achievements and challenges to the City's ability
4 to reach full and effective compliance.

5 Through June 30th, 2023, the City and the City's
6 entities have achieved at least preliminary compliance -- the
7 first of three levels of compliance -- with most of the
8 original requirements. The City and its entities have
9 achieved full compliance with comparatively few monitorable
10 paragraphs.

11 We expect to file Part 2 of the comprehensive
12 assessment early next year, which will include the
13 Independent Monitoring Team's recommendations for changes to
14 the consent decree that we believe are necessary to
15 accelerate full and effective compliance and achieve and
16 sustain the intended results of the consent decree.

17 These recommendations will incorporate feedback we
18 have received and will continue to receive from the parties
19 and the members of Chicago's communities.

20 The City of Chicago and the Office of Illinois
21 Attorney General as the parties to the consent decree will
22 ultimately determine what modifications, if any, are made.

23 With that, I will turn it over to my colleague
24 Meredith DeCarlo.

25 MS. DeCARLO: Thank you.

1 Today we expect to hear from the City of Chicago
2 and the Chicago Police Department regarding ongoing efforts
3 regarding the CPD's internal review procedures for uses of
4 force and investigative stops. Although its name has changed
5 over the years, the CPD's Tactical Review and Evaluation
6 Division, or TRED, was started in 2017 to review and analyze
7 use-of-force incidents.

8 As required by Paragraphs 574 and 575 of the
9 consent decree, TRED's duties include reviewing documentation
10 and information about use-of-force incidents for sufficiency
11 of reporting; second, analyzing trends; and, third,
12 identifying concerns and making recommendations about
13 tactics, equipment, training, and policy.

14 TRED reviews a sample of Level 1 uses of force, the
15 lowest level; all Level 2 uses of force; and supports the
16 work of the Force Review Board in analyzing Level 3 uses of
17 force, the most serious level.

18 Over the years, TRED's responsibilities have
19 expanded. It now reviews and analyzes firearms pointing
20 incidents, foot pursuits, wrong raid search warrants, and
21 investigatory stops and pat-downs, including stops for
22 loitering ordinance violations.

23 TRED also publishes semiannual public reports with
24 its analysis and findings. While TRED does not have a
25 disciplinary function, it identifies individual training

1 opportunities and can make recommendations to address
2 systemic concerns for individual units or the CPD as a whole.

3 Overall, the IMT has been impressed with TRED's
4 work. And our primary critique in recent reporting periods,
5 including the latest report, is that the CPD and the City
6 need to ensure that TRED has adequate resources, including
7 staff.

8 We look forward to hearing more from the City and
9 the Chicago Police Department today regarding these efforts.

10 Your Honor?

11 THE COURT: Yes. Thank you.

12 I don't have further questions for the Independent
13 Monitoring Team right now.

14 I think our next step will be to hear from the City
15 about TRED and also from OAG about its views on the progress
16 we are making there.

17 So we will begin with the City.

18 MS. BAGBY: Good afternoon, your Honor.

19 Jennifer Bagby, Deputy Corporation Counsel.

20 Yes. We have with us today Commander Sean Joyce of
21 the Office of Constitutional Policing and Reform. He is the
22 commander over the TRED unit. And he is going to explain to
23 you and to the members of the public the important work that
24 TRED is doing.

25 We would agree with the monitor's assessment that,

1 obviously, staffing is always a concern. TRED has seen
2 increased staffing since the spring and over the past 18
3 months. But, your Honor, the City recognizes staffing needs
4 across the board within the police department and to continue
5 the important work.

6 So, Commander Joyce, do you need me to share the
7 screen, or can you share your screen?

8 MR. JOYCE: Jennifer, I will give it a shot first.
9 Let's see here. How does that look? Could
10 everyone see that?

11 MS. BAGBY: Yes, we can see it.

12 MR. JOYCE: Thank you and your Honor and everyone
13 else on the hearing today.

14 My name is Sean Joyce. I am the commander in the
15 Office of Constitutional Policing and Reform and oversee the
16 operations of the TRED unit.

17 I am going to first give an overview of the TRED
18 unit.

19 As previously mentioned, TRED is acronym for
20 Tactical Review and Evaluation Division.

21 I want to give a very brief quick history.

22 The unit was actually established in 2017, prior to
23 the consent decree, and it was in response to changes in the
24 Department's use of force policy.

25 We looked to a few other cities that were already

1 doing something similar: Los Angeles, Baltimore, and
2 Washington, D.C. The main difference between their review
3 units and our review unit here is that theirs was
4 disciplinary in nature and ours is not.

5 In the City of Chicago, we already have entities
6 which administer discipline and conduct discipline
7 investigations, being COPA, as well as the Bureau of Internal
8 Affairs.

9 So the goals of our unit are to look for training
10 recommendations. That could be at the officer level. That
11 could be at a unit level. That could also be at a department
12 level based on the results of our reviews. And ultimately
13 what we want to see is interactions between officers and the
14 public to become safer for both officers as well as members
15 of the public.

16 The responsibilities, generally speaking, of the
17 TRED unit. We review -- those top three stars is where we
18 spend most of our time and our efforts. We're reviewing use
19 of force, we're reviewing firearm pointing incidents, as well
20 as foot pursuits.

21 As you could see, we have also been tasked with
22 wrong raids or search warrants. And just by policy, that
23 search warrant/wrong raid category comes in two types there.
24 One is where maybe a search warrant is served at a location
25 other than the one that's listed on the search warrant or

1 when officers actually are serving a search warrant and they
2 make perhaps entry into a premise, and they observe
3 circumstances to be significantly different than the ones
4 that actually gave support to the probable cause for the
5 search. In other words, perhaps they received some
6 information that was not accurate. That also could be
7 considered a wrong raid.

8 For the record, we have not had any wrong raid
9 reviews in 2022 and not as of yet in 2023.

10 Of course, in all things we do, we are always
11 looking to identify trends, patterns, and best practices so
12 we could spread them throughout our department.

13 And, importantly, we also conduct training for our
14 preservice supervisors. And what I mean by "preservice
15 supervisors," these are members of our department who are
16 currently in training to be promoted to the ranks of either
17 sergeant, lieutenant, captain, or even our command staff
18 ranks.

19 Last but not least, we also produce two reports a
20 year: One June 30, a six-month report, as well as a year-end
21 TRED report.

22 This slide basically talks about the field response
23 when there is a use of force. There is an on-scene response
24 at the unit level by field supervisors, and they conduct such
25 activities as, they're interviewing witnesses, they're

1 interviewing subjects of the use of force, the involved
2 members.

3 They look at body-worn camera video, in-car camera
4 video, as well as any video that our POD cameras -- those are
5 the cameras that are affixed to various poles throughout the
6 city -- may have caught.

7 They review all the documentation related to the
8 unit.

9 And then they do two things. One, they make a
10 compliance determination, whether or not the use of force was
11 in compliance with Department policy. They also have the
12 opportunity to take corrective action at the unit level
13 before it gets to TRED.

14 When it does get to TRED, however, we are subject
15 to reviewing those items in that right column, which is any
16 related video; again, all the documentation. And we look for
17 training opportunities during those reviews for our members
18 that were involved in that incident.

19 I want to speak just for a minute here about levels
20 of force just to inform those on the call here.

21 There are three levels: Level 1, 2, and 3. Level 1
22 being lesser uses of force, with Level 3 being our highest
23 use of force, the most serious use of force. These are not
24 exhaustive lists of the type of tactics in each of those
25 levels.

1 It's worth noting that a Level 1 use of force,
2 which might be something as basic as, like, a wrist lock or
3 an arm bar, could become a Level 2 use of force if there is
4 an injury or complaint of injury.

5 Level 2 uses of force are those Level 1s where
6 there is injury or complaint of injury; as well as basically
7 if various tools are used by police officers, which may
8 include Taser, OC spray, or any other number of other options
9 listed there.

10 And, of course, our Level 3 use of force, our most
11 serious use of force, which are potentially deadly force --
12 discharge of a firearm, strike from an impact weapon at the
13 head or neck, choke holds, carotid artery restraints, and any
14 other deadly uses of force.

15 And the reason this is important for us to more or
16 less bucket our uses of force at these three levels, because
17 it impacts on the likelihood that TRED is going to conduct a
18 review of that incident.

19 As was previously mentioned, we do take --
20 represent a sample of Level 1s for review, all of Level 2s,
21 and we support the Force Review Board in conducting those
22 reviews of Level 3 uses of force.

23 So the scope of our review. As mentioned, we are
24 always looking to identify better tactics, equipment, or
25 training opportunities for those members in the use of force.

1 We work very closely with our good folks in the
2 training and support group to help develop training, as well
3 as we also work, frankly, with research and development if we
4 see any policy issues that need to be addressed.

5 This slide contains a few of the examples of where
6 we have assisted our training support group on various
7 training efforts, including public safety interviews,
8 high-risk vehicle stops, transitioning weapons.

9 We look for policy compliance. Of course, we are
10 always on the lookout to make everybody safer. So safety
11 considerations are a big part of our reviews. And
12 completeness in reporting. We look at all the documentation
13 related.

14 Now, I mentioned earlier we are not a disciplinary
15 unit. That is by and large very true. However, whenever we
16 do come across issues that do require further investigation
17 or discipline, we will also make those reports as needed.

18 Most recently -- I put an example there where it
19 came to us to review an incident that was actually involving
20 a Level 3 use of force. And we noticed that COPA had not
21 been notified, and we went ahead and facilitated that
22 notification for COPA for their investigation.

23 So what we try and call -- what we call training
24 opportunities that we recommend, debriefings basically. All
25 our trainers, it's not just their opinion whether an officer

1 needs training. A reviewer looks at it, and then it's looked
2 at by a sergeant. If the sergeant agrees with the reviewer's
3 debriefing recommendation, then it goes to the lieutenant
4 here in the TRED unit, who will conduct the final review.

5 And, most importantly, what we want to do is ensure
6 that our officers in the field, our supervisors in the field
7 become true partners in this with us, and they see the
8 benefits of us making constant adjustments to their tactics.
9 So it's made safer for them as well as members of the public.

10 Basically our training recommendations could be
11 completed at two levels.

12 One is at the unit level. It's back at the unit
13 where the officer works every day. And that could be
14 something as simple as sitting down at one of their
15 supervisors, reviewing any number of the, like, training
16 aids -- so we would say streaming videos that are produced by
17 our training academy, training bulletins, or department
18 directives.

19 For more serious, perhaps, issues that are caught
20 in our reviews -- I will say, for example, like an accidental
21 discharge of a Taser -- that's something where we may
22 recommend that the officers actually go back to the training
23 support group, to the training academy, and receive that
24 training or repeat training that they may have previously
25 had. And you can see the list there of other training

1 opportunities that officers can receive at the academy based
2 on our recommendations from our reviews.

3 So the best option is what we pretty much teach our
4 reviewers here. We want you to identify these training
5 opportunities in the course of review, address it, and
6 document it.

7 Now, that's what we do here at TRED. But as I
8 mentioned, we do preservice training for our supervisors.
9 More importantly, we emphasize this during that preservice
10 training. We love to see -- here at TRED reviews come to us,
11 and we see that, at the unit level, a sergeant, an
12 investigating lieutenant has already done this. They have
13 identified training issues. They have addressed them, and
14 maybe they have already debriefed their officers.

15 Ultimately that's the best model that we all seek
16 is to have this type of constant seeking of improvement, this
17 culture change of always seeking to get better to occur at
18 the unit level.

19 So in terms of our feedback, these are the, we
20 think, benefits, and this is how we encourage our officers to
21 see our work. We don't want to be looked at as Monday
22 morning quarterbacks.

23 We want the officers to realize that these are the
24 benefits: improves safety; catching these small issues before
25 they grow; potentially mitigate litigation through our

1 training opportunities; and, most importantly, a constant
2 communication between the TRED unit, the academy, and
3 research and development daily.

4 Multiple times daily we are in touch with these
5 other two units in the police department, constantly
6 reviewing if there's any tweaks that could be made to the
7 training academy; where that training is developed and
8 administered; or to research and development, which is
9 drafting our policies upon which training is based.

10 I'm just going to take a second to look at 2022,
11 and we're going to kind of take it by the numbers here. The
12 year -- you could see we had about 3.3 million calls for
13 service in 2022 that yielded 41,449 arrests. Of that, almost
14 3,600 became use of force incidents. And of those almost
15 3,600, we see that there were 48 Level 3 uses of force, our
16 highest, most serious use of force.

17 This graphic will basically give you a good idea of
18 how many use of force incidents we are reviewing here at
19 TRED.

20 So citywide, once again, of all the uses of force
21 in 2022, 2,288, or 63 percent, were Level 1s. Another
22 36 percent, 1,306, were Level 2s. And approximately
23 1 percent, or 48, were Level 3s.

24 Now, watch operations lieutenants at the unit level
25 investigated 100 percent of all these Level 1s and 2s in that

1 initial investigation that takes place at the unit level.

2 TRED subsequently then reviewed 53 percent of all
3 Level 1s and 100 percent of all Level 2s as is our policy.

4 Of all the TRRs reviewed by TRED in 2022, it's
5 approximately 71 percent. So it's an incredible
6 comprehensive undertaking that we perform here at TRED in
7 terms of reviewing use of force incidents among our
8 membership.

9 Now, the most serious ones are always at the scene,
10 investigated by a command staff member, usually at the rank
11 of deputy chief. That's where that investigation takes
12 place.

13 The Force Review Board reviews basically every
14 Level 3 use of force. And that Force Review Board is
15 comprised of our superintendant, our first deputy, all our
16 chiefs, and that is where the most serious uses of force are
17 evaluated for training opportunities.

18 And, of course, COPA has jurisdiction over
19 disciplinary investigations for all our Level 3 uses of
20 force.

21 Again, just a reiteration. The volume of work that
22 comes through the TRED unit is on this slide. Once again,
23 notably, that 71 percent of all uses of force being reviewed
24 by the Chicago Police Department remains consistent. It was
25 the same thing in 2021, and here we are in 2022. And even

1 though the year hasn't ended yet, it's looking like we are
2 going to be right about at that same level for 2023. A
3 tremendous percentage of the uses of force are getting that
4 secondary review in the TRED unit here.

5 In addition, we also started reviewing 100 percent
6 of firearm pointing incidents, basically when an officer
7 points their firearm at someone, and 100 percent of foot
8 pursuits we started reviewing in 2023.

9 So these are current year-to-date 2023 numbers. I
10 shouldn't say "year-to-date." I should say through
11 October 2023 numbers. Again, these are the big three
12 categories that we take a look here at TRED. As you can see,
13 there's really no surprises in terms of the activity.

14 So on the left is Tactical Response Reports by
15 month, the total number. In the center column you see
16 firearm pointing incidents by month. And the right column is
17 foot pursuit reports generated by month.

18 In the warmer months we tend to have more calls of
19 service, more arrests, more activity. And as you see, it
20 kind of spikes in each of these three activity areas. They
21 kind of tail off toward the end of the year again when the
22 weather cools. So, basically, May through, roughly,
23 September we see a spike in activity here, with July the
24 midsummer, kind of being the highest in all three categories
25 before things start to tail off again.

1 I just want to speak for a moment about a new kind
2 of like an IT fix that we started using this year called the
3 IDR, or the Incident Debriefing Report system.

4 Before this year, going back to that previous
5 slide, we could have one single incident that involved the
6 use of force that generated a Tactical Response Report. It
7 could also involve a firearm pointing incident, as well as a
8 foot pursuit.

9 Previously a different reviewer would get maybe
10 each one of those that were involved in the same incident.
11 It was inefficient, frankly. So we implemented this IDR
12 system, which now captures one or more of those three
13 categories in one incident for review at once. It allows us
14 to take a more holistic view of how the incident unfolded and
15 what training opportunities there might be in that related to
16 that incident.

17 As a result, we have seen an increase -- because
18 mainly taking on foot pursuit reviews as well as firearm
19 pointing incident reviews, we've seen an increase in the
20 backlog of our IDR system.

21 A lot of information on this page. I guess I will
22 just draw your attention to these, again, are three main
23 categories on the left -- firearm pointing incidents, foot
24 pursuit, TRRs -- by month this year.

25 If you would, pay special attention to really the

1 blue bars and the green bars. So the blue bars are how many
2 of these Incident Debriefing Reports are generated each
3 month, and the green bars are how many reviews we have
4 completed at TRED.

5 So you see pretty much through July the green and
6 blue bars are at the same level, indicating that all the IDRs
7 that came into the TRED unit for review had been completed.

8 However, as you get toward August and certainly
9 September and October, you see that the blue bars are
10 outpacing the green bars significantly.

11 And this period (indicating), that represents our
12 backlog. These are IDRs waiting for assignment to a reviewer
13 to complete the review.

14 This is our IDR backlog from July 17th through
15 November 7th, I believe the date is there. Yes.

16 And as you can see, it increases as we go. More
17 and more of these IDRs have been coming in because, again,
18 these are busier months for us here in the Chicago Police
19 Department.

20 We anticipate that over the next few months, as
21 things slow down, we will be able to start chewing away at
22 that backlog and get through it.

23 But as mentioned already, this work takes time, and
24 this work requires staffing. This is our current staffing
25 situation in the TRED unit: A commander, myself; two

1 lieutenants; a sergeant; and 47 police officers.

2 As always, it's a struggle to maintain staffing
3 because there are demands throughout our department for
4 full-duty officers to complete these reviews.

5 Additionally, we are currently undertaking efforts
6 to hire part-time civilian employees to assist us with these
7 reviews. In fact, we have four that will be starting at our
8 training academy to get some policy refresher training. They
9 are starting this upcoming Monday. We are in the hopes of
10 getting them up to speed, bringing them to the unit to assist
11 us with our backlog.

12 These are the requirements for our full-duty
13 current Chicago police officer members who are assigned to
14 the TRED unit: Minimum five years' experience, acceptable
15 disciplinary record. We need folks who have strong skills in
16 computer operation, writing skills, and sound knowledge of
17 our use of force policies, as well as the Fourth Amendment,
18 and other department policies that come under review.

19 Every Chicago police sworn member receives 40 hours
20 of training a year. The members in the TRED unit not only
21 receive those 40 hours, they receive an additional 40 hours
22 because they are our use of force subject matter experts.

23 So this is a list of training that they received in
24 2022, and they are receiving similar training here in 2023.

25 Last but not least, I will just talk very briefly

1 about our reporting effort here.

2 Two reports. The June 30th one more or less
3 summarizing six months of data generated by the TRED unit, as
4 well as the year-end report.

5 We also -- aggregating data has contributed to our
6 public-facing use of force dashboard. These two efforts
7 definitely facilitate our pattern and trend identification
8 and certainly enhances our transparency.

9 That is the quick-as-I-could-make-it overview of
10 the TRED unit.

11 Thank you for your attention. I appreciate it.

12 MS. HICKEY: Your Honor, you are on mute.

13 THE COURT: Sorry.

14 Thanks, Commander Joyce.

15 I think we will have some questions, but I want to
16 turn first to the OAG and allow the OAG to present -- make a
17 presentation there on their position on all of this.

18 MR. KENNEDY: Good afternoon, your Honor.

19 This is Assistant Attorney General Sam Kennedy. I
20 just want to follow-up with a couple of brief points.

21 Our office's main concern at this point is the size
22 and what seems to be the expanding nature of the TRED
23 backlog.

24 So when we appeared before your Honor at a public
25 status hearing last November, we raised our concerns about

1 the TRED backlog and staffing levels. Unfortunately, those
2 concerns remain.

3 As you have seen, TRED is struggling to keep up
4 with the incoming reports. From what we understand, in the
5 beginning of July 2023, the backlog was at 2,702. And since
6 then, it's nearly doubled, bringing us to about 5,116.

7 Put in terms of a timeline, this means that TRED is
8 about three months behind in terms of the rate at which it's
9 reviewing its reports.

10 This poses a pretty significant problem considering
11 the consent decree actually requires TRED to review firearm
12 pointing incidents within 30 days of their occurrence.

13 Moreover, with respect to all of the other types of
14 incidents, uses of force that TRED is required to review, we
15 believe that reviewing them quickly and providing feedback to
16 the officers as quickly as possible prevents those officers
17 from repeating the same mistakes or, conversely, assures the
18 officer that their conduct is consistent with appropriate
19 policy and training.

20 Now, as I pointed out, we believe that this backlog
21 is primarily due to the fact that TRED is critically
22 understaffed.

23 Now, of course, Commander Joyce is correct in that
24 TRED has made some hiring efforts recently, but the fact
25 remains that in February of this year, TRED was at 54

1 officers and currently it's at 47. This 47 is up from 45 in
2 July and 46 in September but is still not enough to address
3 the ever-increasing backlog.

4 Now, over the last year, CPD has proposed hiring as
5 many as 20 part-time retired officers to assist in TRED
6 reviews. But at this time, it's only extended a couple -- I
7 think Commander Joyce said four -- offers so far. And this
8 is not going to be enough to address this backlog.

9 Additionally, CPD has continued to occasionally
10 deploy TRED officers on patrol duties, which, again,
11 interferes with their ability to combat this increasing
12 backlog.

13 Paragraphs 193 and 575 of the consent decree
14 require that the CPD ensures TRED has sufficient resources to
15 perform its reviews. We don't currently believe that the CPD
16 has provided TRED with these resources.

17 Again, we have been raising concerns about this
18 since last November, and we have continued to raise them in
19 our public comments to the monitor's reports.

20 TRED is an area where CPD showed some early
21 progress but subsequently has stepped backwards.

22 In the third, fourth, and fifth reporting
23 periods -- March 2020 through December 2021 -- the CPD was in
24 secondary compliance with Paragraph 193.

25 But since the sixth reporting period, the CPD lost

1 secondary compliance because TRED was chronically
2 understaffed, and it has since not regained secondary
3 compliance.

4 Similarly, CPD previously reached secondary
5 compliance with Paragraph 575 in January of 2021 but lost
6 compliance with all of that paragraph in January of 2022,
7 again due to inadequate staffing. CPD has yet to regain any
8 compliance regarding 575.

9 TRED is a critical component of the consent decree.
10 We have raised our concerns several times now, but the
11 backlog only seems to be increasing, and we are concerned.

12 Thank you.

13 THE COURT: Thank you, Mr. Kennedy.

14 I actually did have one question, and it relates to
15 Mr. Kennedy's concerns, and that is, I saw that -- it looked
16 as though during the first several months of 2022, numbers in
17 were about the same as numbers out, which means you're not
18 carving into the backlog, but at least you're not creating --
19 not making things worse. But then there was this big
20 drop-off in August.

21 What explains that, or did I misunderstand the
22 numbers?

23 Did somebody -- did people leave? Why was there
24 this crash?

25 I would expect more or less a decline, but it

1 looked like we went from approximately staying even or
2 staying somewhat even to falling dramatically behind.

3 MS. BAGBY: I think -- is that the slide, your
4 Honor, that was showing month by month where -- the ins, the
5 outs, the bar graph?

6 THE COURT: Yes.

7 MS. BAGBY: That is the slide that Commander Joyce
8 was talking about that would show that, through August, they
9 have all caught up. So it's showing that the cases left to
10 be reviewed are those -- that is the backlog.

11 So as they move through the reviews of prior
12 months, the number for in will start to match the number of
13 reviewed.

14 So that's where the commander, I think, was showing
15 they are about three months behind. And he can tell you
16 where they should be ideally in terms of turnaround time.

17 MR. JOYCE: Thank you, Jennifer.

18 Yes. In terms of turnaround time, obviously as
19 mentioned, the quicker we can get officers that information,
20 that feedback with their use of force, the better it is for
21 them going forward to make those adjustments to their
22 tactics. Ideally we would like to be somewhere between 30
23 and 60 days -- would be great.

24 And, your Honor, just to address a little bit of
25 that slide. So that slide is a snapshot in time. The slide

1 you are seeing is pretty much up through November.

2 If we would have looked at that same slide back in
3 the first few months of the year, you would have seen a
4 similar lag. But as we -- like, for instance, we are
5 going to be -- we closed out our June 30th for our reporting
6 period, and everything through June 30th is done.

7 But that backlog -- you will notice the difference
8 between the height in that blue bar and that green bar. That
9 will continue to march forward. And the months since
10 June 30th -- July, August, September, October -- those will
11 fill in.

12 It's kind of -- the gap between today and when you
13 see those bars kind of evening out, that does represent the
14 backlog. It's approximately around three months at this
15 time. Again, we would like it to be no more than 30 or 60
16 days. Oftentimes it's going to be at least 30, just because
17 we can't review use of force until all the paperwork is
18 uploaded at the unit level. So sometimes there is some
19 natural kind of delays, like somebody who was going to upload
20 a report about the incident went on furlough or went on
21 medical or got injured. But largely we would like to see
22 that 30- to 60-day become -- or a lot closer to 30 days
23 become the gap, but right now it is approximately --

24 THE COURT: I think I may have misunderstood the
25 bar.

1 So, in other words, the second bar in each month
2 was how many of those are now closed as opposed to how many
3 of those did we close in the month of January.

4 MR. JOYCE: That's right.

5 If it would help, I could bring it back up to take
6 a look.

7 THE COURT: No. I think your explanation satisfies
8 me. I think I misunderstood what was being represented here.

9 So, in other words, the first bar would represent
10 how many claims or how many complaints came in or how many
11 reports came in. The second bar would represent how many of
12 those have now been closed.

13 MR. JOYCE: That's right, your Honor.

14 THE COURT: Great. All right. I think I got that
15 then.

16 And I do, obviously, share Mr. Kennedy's
17 concerns -- and I think everybody does as well -- that that
18 kind of backlog is not helpful.

19 Just as you pointed out, Commander Joyce, the
20 sooner we get feedback to people, first of all, the more
21 rapid we can see the appropriate change.

22 And the other thing is, I think it's a lot more
23 meaningful when you hear feedback immediately rather than
24 months down the road when you maybe don't even remember the
25 episode all that well or have reconstructed it in your own

1 mind.

2 So it might just be important to recognize that --
3 I guess I share Mr. Kennedy's concern that we have to make
4 sure that TRED staffing is viewed with the urgency that it
5 really requires.

6 So keep bringing people in. I think you mentioned
7 the possibility -- or maybe it was Ms. Bagby -- of bringing
8 in nonsworn officers to do some of that work. Anything that
9 can be done to assist with even the administrative,
10 assistant-type responsibilities would be very valuable, I'm
11 sure.

12 Well, that was one of the items on our agenda.

13 The next item on our agenda is ISR. Here, too, we
14 will hear first from the City and then from OAG.

15 MS. BAGBY: Thank you, your Honor.

16 Since the entry of the stipulation, adding
17 investigatory stops, and the enforcement of gang and
18 loitering ordinances to the consent decree, that work and the
19 review of those investigatory stop reports has been built
20 into also what is part of the TRED unit. So Commander Joyce
21 also has some slides to share with you related to
22 investigatory stops.

23 THE COURT: Okay. Great.

24 MR. JOYCE: I will provide a brief overview of the
25 Fourth Amendment Stop Review Unit, what we refer to here as

1 4ASRU.

2 Just a brief history. March 2015, the City enters
3 into an agreement with the ACLU, recommending best practices
4 for investigatory stops.

5 April of that year, a class action lawsuit was
6 filed against the City, *Smith v. City of Chicago*, where it is
7 alleged that there is a pattern and practice of
8 unconstitutional stops and frisks.

9 October of that year, the City first stands a unit
10 called the Integrity Section. They are established to start
11 overseeing investigatory stop reports.

12 Fast-forward to May 18th of this year where the
13 City of Chicago as well as the Illinois Attorney General's
14 office negotiate 77 new consent decree paragraphs related to
15 investigatory stops.

16 And in June, an additional 77 paragraphs helps
17 facilitate a settlement of the *Smith* plaintiffs' litigation.
18 Among other parts of the settlement, it is part of the
19 settlement that the City is to monitor, report, review, get
20 community engagement, training, accountability measures all
21 related to investigatory stops conducted by the Chicago
22 Police Department, as well as revisions to our policies in
23 the Department of investigatory stops, and the enforcement of
24 loitering ordinances.

25 One particular paragraph, 852, kind of gives rise

1 to this new unit that we have developed here this year in the
2 Chicago Police Department. Basically it's the Fourth
3 Amendment Stop Review Unit. And they are tasked with
4 conducting department-level reviews of a representative
5 sample of ISRs and stop reports, including those involved in
6 the enforcement of the loitering ordinances.

7 So the current status of the unit. As of today, we
8 are staffed with three sergeants, 12 police officers who do
9 conduct reviews of these ISRs, and there is one
10 administrative officer.

11 A little bit going on with this slide. I will just
12 walk us through it very briefly here.

13 So there's two periods of time. One is represented
14 on the left side of this page. One is represented on the
15 right side of this page.

16 On the left side, we are looking at ISRs that were
17 produced in the Chicago Police Department from
18 January 1st, 2021, through June 27th, 2023, the stipulation
19 date.

20 According to the consent decree paragraphs that
21 were negotiated, the Chicago Police Department was conducting
22 reviews of approximately 5 percent of all the ISRs written in
23 that time. The ISRs in that time were approximately 176,680.
24 5 percent represents approximately 1,325 ISRs.

25 Just to update you on where we are at with that

1 initial task, of the 1,325 ISRs, our reviewers here in the
2 Fourth Amendment Stop Review Unit have reviewed the entire
3 backlog. Now, that's one of the first initial review steps.

4 Next it goes to supervisors. Supervisors, again,
5 not unlike in the TRED unit with uses of force, take a second
6 look at the reviewer's initial work. And so far, about
7 three-quarters of those initial 1,325 -- with rounding it,
8 really turning it to 1,391 -- ISRs have been reviewed at the
9 supervisor level. We anticipate completing the rest of them
10 certainly by the first week of December.

11 The next step in that process is sending
12 information out to our members who either drafted those ISRs
13 or the supervisor who approved the ISRs for any incidents
14 where we have found deficiencies.

15 And just like the TRED unit, we look for training
16 opportunities to refresh them, update them on policy with
17 respect to documenting investigatory stops.

18 Now, we have made pretty good progress with this
19 backlog, but it's certainly notable.

20 And on the right side of this page, you will see,
21 beginning in the post-stipulation period, June 28th
22 through -- and these numbers go through November 13th -- you
23 could see that in that time there have been 29,430 more ISRs
24 drafted and approved in the Chicago Police Department. And
25 at this time, we plan to grab a representative sample of

1 that. At this time, we're using 15 percent.

2 We have done some due diligence in determining what
3 levels of review in terms of percentage of the total ISRs we
4 have to complete to achieve that representative sample,
5 representative demographically, geographically, as well as
6 those ISRs that are related to gang and narcotic loitering
7 enforcement.

8 So currently what we are calling bucket 2 of these
9 ISRs, there are 4,415 awaiting our review process.

10 The ongoing efforts of this unit, which was just
11 stood up a few months ago, are -- we are trying to develop
12 feedback mechanisms to our officers and supervisors when we
13 detect deficiencies and get that information out to our
14 officers who are drafting these ISRs and the supervisors who
15 are approving them.

16 We are in a daily effort to improve our technology
17 infrastructure, basically our ISR audit function here that
18 kind of draws the ISRs into the unit here so we can conduct
19 our reviews.

20 We are also looking to increase our capacity to
21 administer training with respect to deficiencies we know by
22 members in the field.

23 And that's the overview of the 4ASRU unit.

24 MS. BAGBY: Your Honor, related to ISRs, as
25 Commander Joyce highlighted, it is worth noting that in the

1 process of getting the stipulation entered, finalized, that
2 they did work to get the preexisting backlog down and taken
3 care of and now working to establish the representative
4 sampling in order to be able to move forward with the ISRs
5 that need to be reviewed moving forward. So that is sort of
6 where the work is focusing now.

7 THE COURT: All right. Again, I may have some
8 questions, but I would like to hear from the Office of the
9 Attorney General in response to Commander Joyce.

10 MS. NEWMAN: Thank you, your Honor.

11 My name is Rebekah Newman, and I'm an Assistant
12 Attorney General with our Office of Special Litigation
13 Bureau.

14 Since appearing in front of your Honor on
15 August 9th, the parties have been working diligently on
16 reviewing and revising materials related to the Department's
17 investigatory stops and protective pat-downs, procedures, and
18 practices and enforcement of the loitering ordinances.

19 These materials will implement the almost
20 80-paragraph stipulation negotiated between the parties
21 earlier this year and entered by the Court in June.

22 The materials submitted by the Department, first
23 and formally on August 25th and then formally on
24 September 18th, currently include four general orders: a stop
25 report, a stop receipt, and two forms to the Department's

1 internal review of stop reports and related officer
2 practices. Those are the materials related to investigatory
3 stops and protective pat-downs.

4 The Department also submitted three special orders
5 and three forms related to their enforcement of the loitering
6 ordinances.

7 The general orders pertaining to the investigatory
8 stops and protective pat-downs define relevant topics,
9 instruct officers on how to conduct investigatory and traffic
10 stops, including prohibitions on officers, and clear
11 instructions regarding individuals' rights during the entire
12 interaction, and prescribe how supervisors and Department
13 reviewers must review and address any discrepancies or
14 deficiencies in officers' investigatory stops and protective
15 pat-down practices and reporting of said interactions.

16 The stop report, one of the forms the Department
17 submitted for review pursuant to the stipulation, requires
18 officers to describe in specific detail the reasonable,
19 articulable suspicion forming the basis for the stop and any
20 subsequent action.

21 The stop receipt, another form submitted by CPD,
22 provides community members with information about their
23 rights and next steps following a stop.

24 The final two reports, the Stop Report Deficiency
25 Rejection Report and the Stop Report Unit Monthly Audit, will

1 guide supervisors and the Fourth Amendment Street Stop Review
2 Unit's review of officers' practices and completion of forms
3 related to investigatory stops and protective pat-downs.

4 The Department has begun staffing the Fourth
5 Amendment Street Stop Review Unit, and consistent staffing
6 and management of this unit will be imperative for the
7 Department to achieve compliance in this section.

8 Since July of this year, CPD has added ten officers
9 to the Fourth Amendment Street Stop Review Unit, bringing the
10 total number of officers to the unit to 14, plus two
11 sergeants acting as supervisors.

12 With the additions of officers to the Fourth
13 Amendment Street Stop Review Unit, CPD had previously
14 reported being about halfway through the agreed-upon subset
15 of the backlog of investigatory stop reports. We are
16 thrilled to hear that the review of the backlog has been
17 complete.

18 Subsequent analysis of those findings will identify
19 which officers and/or supervisors need additional training on
20 how to conduct and document investigatory stops, protective
21 pat-downs, and other related actions.

22 We will also want to see continued progress for the
23 Fourth Amendment Street Stop Review Unit's handling of the
24 sample of ISRs from June 28th to November 13th of this
25 year -- that's 4,415 reports -- and how they are going to

1 conduct the sampling and process those reports and any
2 necessary next steps.

3 Since the Court entered the stipulation, the
4 parties and the Monitoring Team have met three times to
5 discuss CPD's progress towards compliance.

6 After receiving CPD's submission of materials, our
7 office and the IMT provided written comments to the CPD on
8 those submissions, and we are set to meet again on
9 November 27th.

10 In order to comply with the stipulation, CPD must
11 make several important changes to its current policy and
12 practices relating to investigatory stops and protective
13 pat-downs, including that CPD will require officers, among
14 other requirements, to communicate with individuals regarding
15 the specific basis for investigatory stops consistent with
16 principles of procedural justice by identifying themselves by
17 name and rank as soon as it is safe, reasonable, and
18 practical to do so.

19 They must also state the reason for the
20 investigatory stop, again, as soon as it is safe, reasonable,
21 and practical to do so.

22 Other changes to policy and practice require that
23 CPD will prohibit, among other prohibitions, officers from
24 conducting a protective pat-down with or without consent
25 except where officers have reasonable suspicion based on

1 specific and articulable facts that a person is armed and
2 dangerous; conducting an investigatory stop or search of an
3 individual based solely on an officer smelling cannabis
4 without any other specific and articulable facts of criminal
5 activity; and conducting a protective pat-down based solely
6 on officer safety without having reasonable, articulable
7 suspicion based on specific and articulable facts that a
8 person is armed and dangerous.

9 Also, CPD policy and practice must require that CPD
10 officers will not justify an investigatory stop solely by
11 describing an individual's behavior as suspicious without
12 further articulating specific facts that the individual has
13 committed, is committing, or is about to commit a crime.

14 It is our intent that in the coming months we can
15 continue to work collaboratively with CPD and the Monitoring
16 Team to ensure that these policies and forms comply with the
17 stipulation.

18 In addition, the policies, forms, and report also
19 pertain to the Department's conduct and review related to
20 traffic stops.

21 The OAG is deeply concerned about recent public
22 reports reporting about CPD's traffic stop practices. We
23 continue to evaluate these reports and are committed to
24 listening to the community to determine the best path forward
25 to approach this issue.

1 Thank you.

2 THE COURT: All right. Thank you, Ms. Newman.

3 I guess one quick question I have for CPD. This
4 sounds like a quick question. It may take longer to answer
5 it. What does the -- I understand a sampling is being done.
6 Those investigatory stops and protective pat-downs will be
7 reviewed.

8 What does the review -- what questions are asked?
9 What information is gathered in connection with those
10 reviews? If you could, just tell me. And maybe that can't
11 be said briefly. I don't know. But I would like to know
12 generally what the review involves.

13 MS. BAGBY: Commander Joyce, can you --

14 MR. JOYCE: The review involves -- it's a document
15 review of the investigatory stop that occurred in the field.

16 The items that we look for during the course of
17 that review could be administrative in nature or a more
18 serious deficiency.

19 So the administrative items we look for tend to
20 fall in the category of: missed a box, maybe marked the wrong
21 box, there is like a conflict between the narrative in this
22 investigatory stop report and the boxes that are checked.
23 And those are more administrative in nature.

24 The more serious ones that we look for is when
25 there is a stop that is not adequately supported by

1 documented reasonable, articulable suspicion for the basis
2 for the stop or if there is a protective pat-down performed
3 and there is insufficient documented reasonable, articulable
4 suspicion supporting that protective pat-down.

5 And those are the more serious deficiencies that we
6 are looking for. Certainly oftentimes it's simply a matter
7 of poor documentation on the part of the drafting of the ISR.
8 And those are the feedback loops that we want to create with
9 our members going forward to, like our uses of force, create
10 that culture of always attempting to go forward with
11 self-improvement with respect to ours stops.

12 THE COURT: Is there any -- I'm asking a question
13 that maybe is a better question for a police procedures
14 expert. But is there any metric about what percentage of,
15 say, an investigatory stop is likely to result in the
16 recovery of contraband?

17 MR. JOYCE: Your Honor, I don't have numbers like
18 that off the top of my head here today.

19 We will be reporting out, though, the results of
20 our investigatory stops items like that as well as other data
21 which we think will be helpful to enhance transparency with
22 the members in our community.

23 THE COURT: All right. Okay. Well, thank you for
24 that report.

25 I think the final few minutes we have here would be

1 to take a quick look at the search warrant process. And I
2 think on that issue we will be hearing from the Office of the
3 Attorney General.

4 MR. TRESNOWSKI: Thanks, your Honor.

5 Mike Tresnowski on behalf of the Office of Attorney
6 General.

7 And I can just briefly provide some context of
8 where we are on search warrants, where we -- how we got there
9 and what to expect going forward.

10 As the Court is aware, the Office of Attorney
11 General, the City, the coalition, and IMT have been meeting
12 at regular intervals for structured negotiations regarding
13 CPD's search warrant policies and practices.

14 By way of background as to how we got to this
15 process, the coalition first raised the issue of CPD's search
16 warrant practices in August of 2020. The Office of the
17 Attorney General echoed those concerns in September of 2020.

18 On January 2021, the coalition filed a motion to
19 enforce the consent decree concerning CPD's execution of
20 search warrants. That motion was stricken with leave to
21 refile if a negotiated resolution was not reached.

22 In March of 2022, the Office of Attorney General
23 and the City entered into a stipulation agreeing that the
24 consent decree applies to CPD's search warrants. And that
25 stipulation specifically requires that the City and CPD

1 ensure its search warrant policies and practices are not
2 unlawfully discriminatory or retaliatory and occur in an
3 unbiased, fair, and respectful manner.

4 The CPD policies for planning, approval, execution,
5 review -- and review of search warrants must comply with
6 National Best Practices and must comply with other consent
7 decree requirements regarding impartial policing, uses of
8 force, and data requirements.

9 So as part of that stipulation, the parties agree
10 that CPD's new and revised policy regarding search warrants
11 would be submitted to OAG and the IMT for review and comment.

12 Pursuant to that stipulation, CPD has produced
13 draft search warrant policies in May of 2022, a revised
14 search warrant policy suite in February of 2023, and OAG and
15 IMT have both times provided timely written comments aimed at
16 improving the search warrant policy suite, ensuring its
17 consistency with the consent decree and best practices.

18 In April of 2022, the coalition raised the
19 possibility of structured negotiations between the coalition
20 and the City regarding CPD's search warrant practices. And
21 throughout the past calendar year, the coalition and CPD have
22 held multiple negotiation sessions by including structured
23 negotiation sessions before the Court. I believe there have
24 been approximately ten of these negotiations. And these
25 negotiations have been productive, and they are ongoing. As

1 the Court is aware, there is another date set in December for
2 one such negotiation.

3 So that's kind of where things are now.

4 Negotiations are ongoing regarding the search warrant policy.

5 As to where it would go in the future, the process
6 will result in a revised search warrant policy, we expect.

7 And pursuant to the stipulation, the City will submit for
8 review and comment that policy for IMT and the Office of
9 Attorney General.

10 Thereafter, once there is a final search warrant
11 policy that receives no objection letters from OAG and IMT,
12 the City will post it on its website for public comment, and
13 it is our hope that then the Department could be in training
14 with officers once there is a search warrant policy in place.

15 So as to the immediate next steps, we look forward
16 to meeting with the Court at the next settlement conference
17 in December.

18 THE COURT: Great. All right. Well, thank you,
19 Mr. Tresnowski.

20 I think that concludes the formal agenda.

21 I know that the coalition is here. And if they
22 would like to make a few brief comments, I will hear those
23 before we finish up with the monitor one more time.

24 MS. GARCIA: Thank you, your Honor.

25 Michelle Garcia on behalf of the coalition and

1 including the Communities United plaintiffs.

2 We thank you and the parties and the IMT for taking
3 the time to have a public hearing. We believe that such
4 public hearings only increases transparency -- important
5 transparency and will provide greater community trust. And
6 we look forward to participating in future public hearings to
7 learn where things stand and where things are going.

8 We appreciate the Attorney General's office
9 providing a status of our ongoing negotiations on search
10 warrants as well.

11 THE COURT: Thank you.

12 I think that you are exactly right that regular
13 public hearings are necessary for transparency. If we are
14 going to get any kind of confidence or buy into this process,
15 we have to make sure that we are being transparent and that
16 people know what's going on and have an opportunity to tell
17 us if they disagree.

18 We won't necessarily accept every observation
19 that's made, but I want to hear from people, and I want to
20 know, because I think that's how we will reach the best
21 resolution here and one that we could have some confidence
22 will work going forward. So thank you.

23 Maggie, anything that you or the Independent
24 Monitoring Team want to do to wrap things up?

25 MS. HICKEY: Sure. Just briefly.

1 I wanted to say thank you very much to the
2 coalition, the OAG, and the City and CPD for their thoughtful
3 comments today.

4 I concur and agree that transparency is very
5 important. We look forward to having these hearings. We
6 will have another one in December. It will be on the Court's
7 docket and also on our website, cpdmonitoringteam.

8 We try to push it out to everyone that we have
9 received contact from. So we send it out to thousands of
10 people.

11 As we get the dates for 2024, our goal is to have
12 those dates set then for the whole year so that people can
13 better schedule and know when the court dates are. Our goal
14 is to potentially be able to get topics beforehand so then
15 people will also be able to know the topics that are being
16 discussed. So we will work to be able to have that be
17 presented to the public also.

18 So we really look forward to that and continuing to
19 work with the parties, the coalition, the community. Thank
20 you so much for attending and the Court.

21 THE COURT: Thank you.

22 And just before we close, let me point out that I
23 very much appreciate the monitor having sent out notice
24 because, for reasons that elude me, we failed to put this
25 hearing on our docket until just a couple of days ago. I'll

1 make sure -- I will do everything I can to make sure that
2 mistake doesn't happen again.

3 I know she is getting the word out to you, but it's
4 also appropriate for the court to include these regularly
5 scheduled events on the docket so that the public knows
6 what's going on and can follow along.

7 All right. Thank you, everyone. I appreciate your
8 time this afternoon. And I appreciate the efforts that this
9 difficult process has required but has also generated. And I
10 thank you for your hard work.

11 I will see many of you later this year. Thank you.

12 MS. HICKEY: Thank you, your Honor.

13 MS. BAGBY: Thank you, your Honor.

14 (An adjournment was taken at 2:11 p.m.)

15 * * * * *

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

18 /s/ Frances Ward December 4, 2023.
19 Official Court Reporter

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