

**Stipulation Regarding the Policy and Training Review Process
for the Civilian Office of Police Accountability (COPA)**

Subject to the approval of the Court, the City of Chicago (“City”) and the Office of the Illinois Attorney General (“OAG”) on behalf of the State of Illinois—collectively the Parties—and the Monitor agree to the following stipulation regarding the scope and applicability of paragraphs 626 through 637 and paragraphs 640 and 641 of the Consent Decree to the Civilian Office of Police Accountability (“COPA”).

Unless otherwise specified, this stipulation incorporates all defined terms from the Consent Decree (*State of Illinois v. City of Chicago*, 17-CV-6260), and nothing in this stipulation changes the other requirements or deadlines in the Consent Decree. The Parties and the Monitor agree that the terms of this stipulation apply only to COPA and not other City agencies or entities. References to the City incorporate COPA, as applicable.

This stipulation is separated into the following three sections: COPA Consent Decree Policies, COPA Training, and Exceptions to the Review Process. The terms of this stipulation will apply upon the approval of the Court and will not apply retroactively.

The Parties and the Monitor will work collaboratively and cooperatively to establish and adhere to a schedule that ensures that the policies and procedures as required by the Consent Decree (“COPA Consent Decree Policies,” as defined herein) and training materials required by the Consent Decree are developed, revised, and reviewed adequately, efficiently, and expeditiously. To assist in the review, the City and COPA will provide relevant supporting materials—such as research and engagement with subject matter experts—as soon as practicable.

COPA Consent Decree Policies

1. COPA will develop, revise, implement, and maintain the COPA Consent Decree Policies to meet the requirements of the Consent Decree in accordance with applicable timelines.
2. COPA will submit the below new or revised COPA Consent Decree Policies identified in this paragraph for a review and comment period (“Review Period”) prior to implementation:
 - a. Policies expressly required by the Consent Decree (policies created under ¶¶478, 479, 480, 497, and 512);
 - b. COPA’s Investigative Manual or equivalent policies under any other name;
 - c. COPA investigations-related policies, as presently set forth in COPA Employee Policy Handbook Section 3.0, or equivalent policies under any other name; and
 - d. Any other policies and procedures that the Monitor identifies as being required under the Consent Decree. (If COPA is unclear about whether a policy or

procedure applies for the review process, COPA will raise the issue with the Monitor and the OAG before developing a new or revised draft.)

3. The Parties and Monitor agree that policies or procedures other than COPA Consent Decree Policies may be implemented by COPA without Monitor or OAG review.
4. **Consultation Period.** When COPA has developed a draft of a new or revised COPA Consent Decree Policy, it will, at the earliest feasible time, consult in a collaborative manner with the Monitor and the OAG with the goal of developing consensus on the substance of the COPA Consent Decree Policies. COPA will make appropriate adjustments based on those consultations.
 - a. **Community Consultation.** COPA will also, before or during the Consultation Period, solicit feedback on the draft COPA Consent Decree Policy from a working group consisting of community stakeholders agreed to by the Monitor and COPA as soon as practicable, but not later than 90 days from the date of this stipulation.
5. **Review Period.** The City and COPA will submit the final draft of any new or revised policy or procedure subject to review and comment by the Monitor and the OAG to the Monitor and the OAG at least 45 days before the policy or procedure is scheduled to take effect.
 - a. The Monitor and the OAG will have 20 days to provide comments and feedback, unless otherwise agreed to by the Parties and the Monitor. The Monitor and the OAG may agree that a shorter period is appropriate under the circumstances. Likewise, COPA will not provide the Monitor and the OAG with an unreasonably burdensome amount of materials without agreeing to adjust the 20 day comment period, as appropriate.
 - b. For a policy or procedure submitted by COPA to the Monitor and the OAG, if the Monitor and the OAG fail to comment on a policy within 20 days of COPA's submission or the agreed upon deadlines, the Monitor and the OAG will be deemed to have no objection to the policy, unless the Monitor or the OAG states in writing that additional time is necessary to complete an adequate review. In such writing, the Monitor or the OAG will specify how much additional time is necessary, which will not exceed 10 additional days, unless it is by agreement of the Parties and the Monitor. Any additional time required by the Monitor or the OAG beyond the initial 20 day Review Period will also extend COPA's deadline for implementing the COPA Consent Decree Policy, when applicable.
 - c. Either COPA or the Monitor may seek relief from the Court to the extent the process of reviewing and approving COPA Consent Decree Policies has become unreasonably delayed.

6. **Resolution Period.** If COPA receives comments within the Review Period, COPA, the OAG, and the Monitor will work to resolve comments regarding a COPA Consent Decree Policy for at least 30 days.
7. **Workout Period.** If COPA, the OAG, and the Monitor have unresolved disagreements regarding a particular policy after attempting to resolve them for at least 30 days, the following procedures will guide the resolution process:
 - a. The Monitor or the OAG will provide written notice of any outstanding objections (“Objection Notice”) if a policy does not incorporate the requirements of the Consent Decree or is inconsistent with the goals and objectives of the Consent Decree or applicable law.
 - b. In the event the Monitor or the OAG provides an Objection Notice, COPA, the OAG, and the Monitor will attempt to resolve the identified objections within 30 days of the Objection Notice being delivered to COPA.
 - c. If, at the end of the Workout Period, the Monitor’s objections remain unresolved, COPA or the Monitor may ask the Court to resolve such dispute. COPA may not implement the policy or procedure until the Court resolves the dispute.
 - d. Beginning January 1, 2021 and continuing thereafter, the OAG may ask the Court to resolve objections that remain unresolved at the end of the Workout Period. COPA may not implement any policy or procedure subject to this subparagraph (d) until the Court resolves the dispute.
 - e. Prior to January 1, 2021, COPA must respond in writing to any Objection Notice submitted by the OAG within 30 days of its delivery to COPA. Following receipt of COPA’s response, the OAG may submit to the Court any unresolved objections. The submission of the OAG’s unresolved objections does not preclude COPA from implementing any policy or procedure subject to this subparagraph (e). At least 30 days after the OAG’s submission to the Court, the OAG may file any remaining unresolved objections on the docket.
 - f. With respect to any policy or procedure related to paragraph 512 of the Consent Decree, the OAG may ask the Court to resolve objections that remain unresolved at the end of the Workout Period at any time after the Court approves this stipulation. COPA may not implement any policy or procedure subject to this subparagraph (f) until the Court resolves the dispute.
8. **Community Comment Period.** As soon as practicable, and beginning no later than January 2021, at the conclusion of the Review Period—or the Workout Period, as applicable—COPA will post any COPA Consent Decree Policy to its website for public comment for a period of not less than 15 days. During 2020, the OAG and the Monitor may post any COPA Consent Decree Policies for public comment.

- a. COPA will provide the Monitor and the OAG with all received public comments.
 - b. In response to the comments received, COPA will consider whether any further revisions to the proposed COPA Consent Decree Policy are appropriate. Changes implemented in response to public comment will be subject to consultation among the Parties, and review and comment by the Monitor and the OAG before publication and implementation.
 - c. Any disagreements between COPA, the OAG, and the Monitor related to which comments should be incorporated (and how) will be handled by the Workout Period process described above, with the OAG's rights to object commencing January 1, 2021.
9. If COPA is unable to implement a COPA Consent Decree Policy to comply with the Consent Decree, COPA may further revise the policy or develop a new policy, which may follow a truncated review process—as agreed to by the Parties and the Monitor—or will, at most, follow the process described above.
10. COPA will periodically, at least every two years, review and update COPA Consent Decree Policies in accordance with the purposes of the Consent Decree and best practices. Any revisions to COPA Consent Decree Policies will be subject to the review, comment, and objection process described in paragraphs 5, 6, and 7 above.
11. COPA will aspire to publish its final COPA Consent Decree Policies on its public website in a usable, organized, and searchable format, as resources allow.

COPA Training

12. COPA will submit all new or revised curricula, lesson plans, and course materials related to trainings required by Paragraph 528 of the Consent Decree or related to COPA Consent Decree Policies (“Training Materials”) to the Monitor and the OAG for review and comment at least 30 days before training. The Parties and the Monitor will follow the Consultation, Review, and Workout Period processes described above for COPA Consent Decree Policies with the following exceptions and clarifications:
- a. Only the Monitor may provide an “objection notice” to Training Materials.
 - b. COPA is not required to submit Training Materials to the working group for review or to post its Training Materials for public comment.
 - c. COPA may train personnel on temporary COPA Consent Decree Policies.
 - d. To the extent any Workout Period is ongoing when the given training is scheduled, the training may continue as planned, but may be required to be provided again using revised Training Materials, in the Monitor's sole discretion.

13. During 2020, upon a request by COPA and following a determination by the Monitor that operational necessity requires it, the Monitor may designate existing training materials that COPA may continue to use prior to the completion of the pre-implementation review process required by this stipulation.

Exceptions to the Review Process

14. In the interest of COPA operating efficiently and effectively, COPA may implement, on a temporary basis, a COPA Consent Decree Policy immediately before or during the Consultation Period, Review Period, or Workout Period for any of the following reasons, subject to the Monitor's approval: (i) extraordinary circumstances demand an immediate revision or clarification (e.g., due to a change in law, applicable collective bargaining agreement, or other urgent circumstance), and (ii) due to operational necessity (e.g., to remedy a current practice or policy that is identified as not in compliance with current law or an applicable bargaining agreement or a staffing change requiring a process adjustment or clarification for replacement staff). Any such exceptions will adhere to the following process:
 - a. The City must provide the Monitor and the OAG with: (i) written notice to complete an adequate review and, and (ii) the reason why the City and COPA need the exception. The Monitor will provide a written response to COPA either approving or denying the exception as soon as reasonably possible, but no later than three days (excluding the date the Monitor receives written notice). If the Monitor does not provide a response within three days, COPA may implement the temporary COPA Consent Decree Policy.
 - b. If the Monitor denies the exception, the City may appeal to the Court. During the appeal, the Parties and the Monitor will continue with the review processes described in this stipulation.
 - c. In the event that COPA institutes a temporary COPA Consent Decree Policy, the policy will only remain in effect until the adoption of a revised policy or procedure per the review, comment, and objections process set forth above. In that time, COPA may provide provisional training to relevant personnel on the requisite change that justified the temporary COPA Consent Decree Policy.
 - d. Nothing in this exception process permanently exempts any new or revised COPA Consent Decree Policy from the review and comment process.
 - e. Either Party may seek relief from the Court to the extent either Party believes the exception process is being abused.

Respectfully submitted this 24th day of January, 2020.

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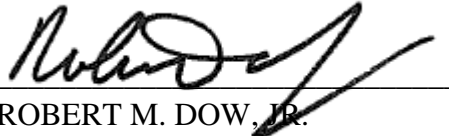
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SO ORDERED, this 30 day of January, 2020.

A handwritten signature in black ink, appearing to read "Robert M. Dow, Jr.", written over a horizontal line.

ROBERT M. DOW, JR.
United States District Court Judge
Northern District of Illinois