

*Independent Monitoring Report 9*

Appendix 11:

Investigatory Stops, Protective Pat Downs,  
and Enforcement of Loitering Ordinances  
Compliance Assessments

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## Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances: ¶854

*854. Beginning at the entry of this Stipulation, the 4th Amendment Street Stop Review Unit will perform the Department-level reviews, consistent with the requirements of Paragraph 857(a) through (d) of this Stipulation, of 5% of the backlog of ISR reviews maintained in the 4th Amendment Street Stop Review Unit for January 1, 2021 through the entry of this Stipulation.*

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### Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

**Preliminary:** *In Compliance (NEW)*  
**Secondary:** *In Compliance (NEW)*  
**Full:** *Under Assessment*

In the ninth reporting period, the City and the CPD achieved Preliminary and Secondary compliance with ¶854.

To evaluate compliance with the requirements of this paragraph, the IMT reviewed the email templates for the ISR Deficiency Notification and e-Learning Enrollment Notification, and S04-13-09, *Investigatory Stop System*. Additionally, we reviewed the email notification from the Office of the Superintendent notifying CPD officers of the process.

In an informal production submitted on December 29, 2023, the City and the CPD included *Paragraphs 854 and 855 Compliance Package*. This memo indicates that from January 1, 2021–June 27, 2023, “there were 176,964 approved city-wide ISRs. 5% (1,325) of the randomly selected 15% backlog (26,504) were required to [be] reviewed by the Fourth Amendment Stop Review Unit (4ASRU). 4ASRU reviewed 1,396 ISRs.” As described in the assessment for ¶855, however, there was a discrepancy in the data presented in the meetings and the data included in the production. After the close of the ninth reporting period, the CPD explained that it hand-tabulated the 5% sample on a daily basis, resulting in the difference between the 1,325 calculated and the 1,396 reviewed. To evaluate Full compliance, the IMT looks forward to receiving documentation from the CPD regarding the 4ASRU’s review of 5% of the backlog, as well as clarification on the discrepancy between the total number of ISRs (176,964 in the memo compared to 176,680 in the meeting).<sup>1</sup>

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<sup>1</sup> In the City’s comments to an earlier draft of this report this report, the CPD again explains how the hand-tabulation resulted in the difference between the 1,325 calculated and the 1,396 reviewed. As we note, this explanation does not address all of our concerns, and the CPD should supply documentation to the IMT to visually inspect and validate the discrepancy and related clarification, such as a printout of the initial data and the Excel spreadsheet demonstrating the CPD’s tabulations.

On December 15, 2023, the Office of the Superintendent emailed all sworn department members regarding 4ASRU – Unit 131’s intention of disseminating the Pre-Stipulation Backlog Deficiency Notifications and e-Learning Enrollment Notifications to the officers with ISRs identified as having deficiencies and approving supervisors. Officers enrolled in the e-Learning will be required to review S04-13-09 *Investigatory Stop System*. 4ASRU – Unit 131 began manually emailing Deficiency Notifications and conducted e-Learning Notifications on December 18, 2023, and was expected to complete this process by January 5, 2024. Approximately 540 Deficiency and e-Learning Enrollment Notifications were expected to be sent out to officers and supervisors, pending employment status with the Department. We look forward to receiving documentation in IMR-10 confirming that this process was completed.<sup>2</sup>

We expect that the documentation we receive from the CPD will be sufficient to demonstrate the reliability of the CPD’s data.

### Paragraph 854 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020
COMPLIANCE PROGRESS: Not Applicable	COMPLIANCE PROGRESS: Not Applicable	COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022
COMPLIANCE PROGRESS: Not Applicable	COMPLIANCE PROGRESS: Not Applicable	COMPLIANCE PROGRESS: Not Applicable
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023
COMPLIANCE PROGRESS: Not Applicable	COMPLIANCE PROGRESS: Not Applicable	COMPLIANCE PROGRESS: Secondary

<sup>2</sup> In the City’s comments to an earlier draft of this report, the CPD states that as of March 25, 2024, “500 (96%) of the 521 registered author/approver have completed the e-Learning” and the rest have been sent follow-up emails. We appreciate the update and look forward to receiving supporting documentation, such as a printout of the initial data from the ISR system and the Excel spreadsheet the CPD uses to track completion of the training.

# Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances: ¶855

855. The backlog of ISR reviews consists of 15% of all ISRs completed during 2021 through the entry of this Stipulation that have been randomly selected.

## Compliance Status

On November 27, 2023, it was reported by the CPD that there were 176,680 total approved ISRs from January 2021 through June 27, 2023. Out of that total, they extracted a randomized sample of 15% of approved ISRs (26,502) from 2021 – June 27, 2023, which have all gone through the reviewers. Supervisors are still working through their review of the randomized sample of 15%.

## Status of Reviews

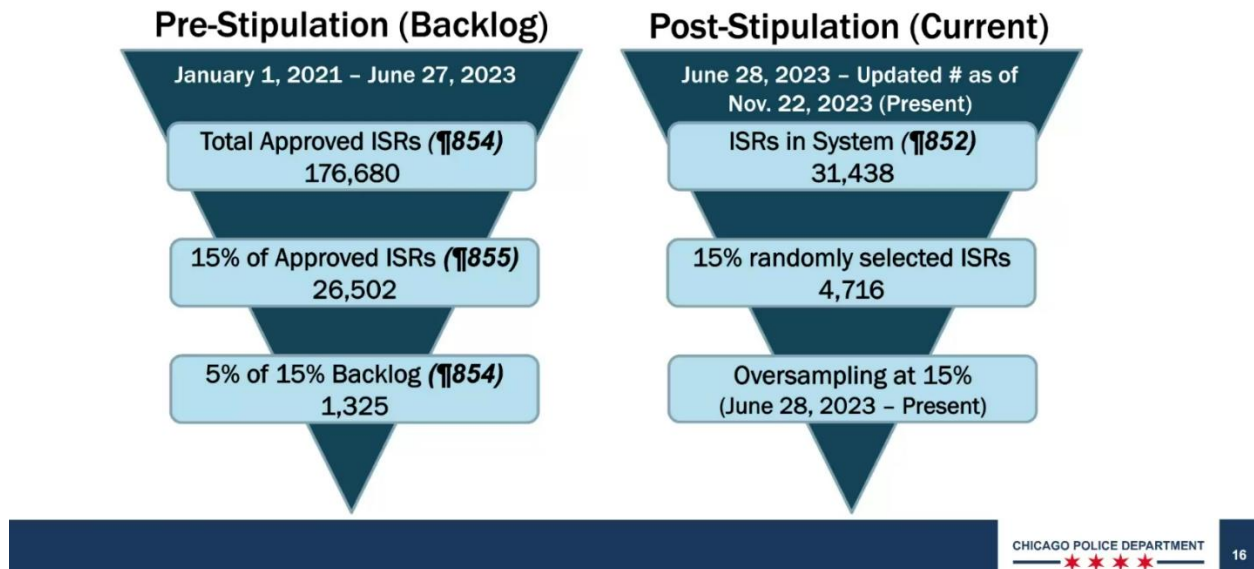


Figure 1 - Status of Reviews (Source: CPD Monthly ISR Presentation, November 27, 2023).

In an informal production submitted on December 29, 2023, the City and CPD included *Paragraphs 854 and 855 Compliance Package*. This memo indicates that from January 1, 2021 – June 27, 2023, “there were 176,964 approved city-wide ISRs. 5% (1,325) of the randomly selected 15% backlog (26,504) were required to [be] reviewed by the Fourth Amendment Stop Review Unit (4ASRU). 4ASRU reviewed 1,396 ISRs.” After the close of the ninth reporting period, the CPD explained that it hand-tabulated the 5% sample on a daily basis, resulting in the difference between the 1,325 calculated and the 1,396 reviewed. The IMT looks forward to receiving documentation from the CPD regarding the 4ASRU’s review of 5% of the backlog, as well as further clarification on the discrepancy between the data shared during the monthly meetings and the data included in the productions

(the total number of ISRs was reported as 176,964 in the memo compared to 176,680 in the meetings).<sup>3</sup>

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<sup>3</sup> In the City's comments to an earlier draft of this report, the CPD again explains how the hand-tabulation resulted in the difference between the 1,325 calculated and the 1,396 reviewed. As we note, this explanation does not address all of our concerns, and the CPD should supply documentation to the IMT to visually inspect and validate the discrepancy and related clarification, such as a printout of the initial data and the Excel spreadsheet demonstrating the CPD's tabulations.

## Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances: ¶865

*865. The Parties recognize that the City, ACLU-IL, and the ACLU Agreement Consultant have developed a promising model for thoughtful community engagement through the creation of a Request for Proposals which sought community organizations to co-design and lead a citywide process to engage individuals and stakeholders to develop recommendations regarding CPD's investigatory stop and protective pat down practices. Within 180 days of the release of these recommendations, the Monitor will publicly report on these recommendations and CPD's response and will further make recommendations as to CPD's ability to adapt elements of this model for community engagement. CPD will consider the results of the Monitor's report in developing future community engagement processes.*

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### Compliance Status

On October 3, 2023, the *Consultant Report: Community Engagement Results* was filed, detailing the community engagement process and the recommendations developed through the community engagement, along with the CPD's response.<sup>4</sup> This was also outlined in the Eighth Independent Monitoring Report. The IMT recommends the following as to the CPD's "ability to adapt elements of this model for community engagement" in accordance with ¶865 recommendations:

1. While private funding can be a challenge, participant compensation was critical.
2. Partnerships could allow the CPD to connect with existing networks and meet community members where they are.
3. Meeting with community members in an open dialogue is important to promoting mutual understanding and problem-solving.
4. The community recommendations demonstrate an interest in providing resources and building connection with the CPD, which the CPD should respond to in tangible ways.
5. The CPD should ensure that it meaningfully responds to all input and recommendations.
6. In responding to community input and recommendations, the CPD should identify specific plans and ongoing actions.

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<sup>4</sup> This report is available at the following link: <https://cpdmonitoringteam.com/wp-content/uploads/2023/10/2023.10.03-Consultant-Report-Community-Engagement-Results.pdf>.

## Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances: ¶866

*866. Investigatory stops, protective pat downs, and enforcement of the Loitering Ordinances will be included among the topics covered in the public awareness campaign provided for in Paragraph 28 of the Consent Decree.*

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### Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

**Preliminary:** *Under Assessment*

**Secondary:** *Not in Compliance*

**Full:** *Not Yet Assessed*

In the ninth reporting period, the City and the CPD are under assessment for Preliminary compliance with ¶866.

To evaluate Preliminary compliance with ¶866, we focused our review on the CPD’s initial public awareness campaign plan, the Know Your Rights Campaign and its coverage on existing related policies. On December 21, 2023, the City and CPD submitted their Know Your Rights Campaign Plan and for their 2024 Goals, they did not include anything specific to the topics required from this paragraph. The current Know Your Rights Campaign can also be found at: <https://home.chicagopolice.org/transform/rights/>.<sup>5</sup>

Regarding Secondary compliance, the CPD will need to revise the existing public awareness campaign plan to effectively and accurately cover investigatory stops, protective pat downs, and enforcement of the Loitering Ordinances. Additionally, the campaign plan must demonstrate efforts to plan for the new year given the annual requirement of ¶28. To gain Secondary compliance, the CPD will need to produce plans for incorporating the requirements of this paragraph into their public awareness campaign, and a revised campaign reflecting the addition of these new topics.

We look forward to assessing the CPD’s continued progress with ¶866 in the next reporting period. Our assessment of ¶866 for Full compliance will involve the CPD’s campaign metrics and CPD’s efforts to evaluate the effectiveness of the public awareness campaign, including efforts to address any identified gaps in the topic areas.

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<sup>5</sup> Last accessed in February 2024.

## Paragraph 866 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Not Applicable	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Not Applicable	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Not Applicable
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Not Applicable	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Not Applicable	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Under Assessment



## Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances: ¶868

**868.** *Within 60 days of the entry of this Stipulation, CPD will submit the most recently developed draft versions of the CPD policies and reports related to investigatory stops, protective pat downs, and the enforcement of the Loitering Ordinances, in accordance with the terms set forth in Exhibit [A], to the Monitor and OAG for the review, comment, and, if necessary, objection process as provided for in Paragraphs 627-30 of the Consent Decree.*

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### Compliance Progress (Reporting Period: July 1, 2023, through December 31, 2023)

<b>Preliminary:</b>	<i>In Compliance (NEW)</i>
<b>Secondary:</b>	<i>Under Assessment</i>
<b>Full:</b>	<i>Not Yet Assessed</i>

In the ninth reporting period, the City and the CPD achieved Preliminary compliance with ¶868.

To evaluate Preliminary compliance with ¶868, we focused our review on whether the City and the CPD submitted their most recently developed drafts of CPD policies and reports related to investigatory stops, protective pat downs, and the enforcement of the Loitering Ordinances. The CPD informally submitted drafts for review on August 25, 2023, and formally submitted drafts on September 7, 2023.

With regard to Secondary compliance, the CPD will need to meaningfully engage with the IMT and the OAG in a subsequent review and comment process, in addition to incorporating community input when appropriate. The IMT provided comments on October 9, 2023. On December 28, 2023, the City and the CPD informally produced further revised drafts for the IMT and OAG.

We look forward to assessing the CPD’s continued progress with ¶868 in the next reporting period. Our assessment of ¶868 for Full compliance will involve the CPD receiving approval from the IMT and OAG on final draft versions of the CPD policies and reports.

## Paragraph 868 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Not Applicable	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Not Applicable	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Not Applicable
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Not Applicable	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Not Applicable	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Preliminary

## Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances: ¶1875

*875. The Parties agree that they will make a joint request to the Court for a Community Input Session on this Stipulation, to be held within 90 days of the submission of this Stipulation by the parties and to include an opportunity for community input and public testimony by individuals affected by this Stipulation.*

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### Compliance Status

(Reporting Period: July 1, 2023, through December 31, 2023)

On August 9, 2023, a public hearing was held before the Honorable Chief Judge Rebecca R. Pallmeyer for public comments on the Stipulation. In addition to the parties and attorneys, attorneys for the Coalition and 13 members of the public were in attendance. The Court also accepted written community feedback through August 11, 2023.