

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

4	STATE OF ILLINOIS,)	
5	Plaintiff,)	Docket No. 17 C 6260
6	vs.)	
7	CITY OF CHICAGO,)	Chicago, Illinois
8	Defendant.)	November 12, 2024 1:07 p.m.

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

APPEARANCES:

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1 APPEARANCES (Continued:)

2 Independent Monitor: ARENTFOX SCHIFF
3 BY: MS. MARGARET A. HICKEY
4 MR. ANTHONY-RAY SEPÚLVEDA
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5 Also Present: Retired Chief Kerr Putney
6 Associate Monitor
7 Superintendent Larry Snelling
8 Chief Angel Novalez
9 Deputy Chief Sean Joyce
10 Deputy Director Allyson Clark-Henson
11 Lieutenant Richard DeFelice
12 Sergeant Thomas Stoyias
13 Sergeant Joanne Silva Arreola
14 Officer Juan Cardenas
15 Officer Robert Rehnquist

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

3 MS. HICKEY: I think we are all set, your Honor.

4 THE COURT: Great.

5 Good afternoon, everyone. Thank you for joining us
6 for our November meeting, our public hearing, this afternoon.
7 We have an agenda that covers the hour that's coming.

8 We will begin by -- I just want to begin by saying
9 I know this has been a difficult month for many of us. A
10 loss of a sworn officer was a tragedy. My heart and prayers
11 are with that man and his family and all of you who are
12 struggling with what this kind of event means in our city and
13 with respect to our efforts at reform.

14 I know that Monitor Hickey has some opening
15 comments that she would like to make, and I will turn this
16 over to her at this point.

17 MS. HICKEY: Thank you, your Honor. And thank you
18 for convening us here today for our monthly status hearing.

19 There are many things going on this week, and there
20 is much to get through today. But before we go further, as
21 you had just discussed, it is with profound sadness I want to
22 acknowledge the tragic loss of Chicago Police Officer Enrique
23 Martinez. I extend my heartfelt condolences to his family,
24 friends, and colleagues, and all of CPD.

25 There continues to be too much senseless gun

1 violence in our city, and our sympathies go out to everyone
2 who has been harmed by gun violence. In large part, it is
3 our shared desire for community and officer safety that
4 brings us here today.

5 Today we will hear status updates regarding the
6 City and CPD's ongoing compliance efforts with the new
7 section of the consent decree regarding investigatory stops,
8 protective pat downs, and enforcement of the loitering
9 ordinances.

10 In June of 2023, nearly a year and a half ago, your
11 Honor approved a stipulation submitted by the City of Chicago
12 and the Office of the Illinois Attorney General.

13 As stated in the stipulation, the parties agreed to
14 expand the consent decree to include obligations to monitor,
15 report, review, train, and implement accountability measures
16 with respect to investigatory stops, protective pat downs,
17 and enforcement of the loitering ordinances.

18 The stipulation built on efforts made under a 2015
19 agreement between the City of Chicago and the ACLU of
20 Illinois to reform the CPD's policies and practices for
21 investigatory stops and protective pat downs.

22 Under that agreement for which I served for a time
23 as a consultant, the CPD began developing new policies and a
24 new Stop Report form that will be used to record information
25 about all stops, traffic stops as well as investigatory

1 stops.

2 The CPD posted the draft policies for public
3 comment on August 9th of this year. And we look forward to
4 reviewing any revisions that the CPD makes in response to the
5 comments it receives -- it received.

6 We also look forward to the CPD implementing the
7 new policies to enact the long-awaited changes required by
8 the stipulation.

9 At the close of this hearing, I plan to address my
10 concerns regarding the reported cuts to the CPD budget.

11 Now I would like to introduce retired Chief Kerr
12 Putney, who serves as the associate monitor for the section
13 of the consent decree created by the stipulation.

14 THE COURT: Thank you.

15 Chief Putney.

16 MR. PUTNEY: Thank you, your Honor.

17 Good afternoon, everyone. My name is Kerr Putney.
18 I'm a retired police chief from the Charlotte-Mecklenburg
19 Police Department, currently serving as the associate monitor
20 for the consent decree sections specifically focused on
21 investigatory stops, protective pat downs, and the
22 enforcement of loitering ordinances.

23 Community engagement is really a bedrock for the
24 requirement of the consent decree. We thank all those
25 members of the community who spoke up and provided feedback

1 in response to CPD's draft policies, as well as those who
2 participated in community engagement efforts under the City's
3 agreement with the ACLU.

4 We also encourage CPD to continue to solicit input
5 from officers and supervisors who will be tasked with
6 implementing this new policy and using the new Stop Report
7 form.

8 I look forward to CPD issuing its new policies.
9 And in doing so, it's an important and essential step towards
10 meeting requirements of the consent decree, which requires
11 that the CPD works to ensure that the CPD's investigatory
12 stops and protective pat downs are conducted in a manner that
13 complies with not only the constitution but also the laws of
14 the State of Illinois and are in accordance with best
15 practices.

16 In the meantime, the CPD has built up capabilities
17 of its Fourth Amendment Stop Review Unit. They've begun
18 including its analysis, patterns, and trends in their
19 semiannual reports, which is published by the Tactical Review
20 and Evaluation Division, also known as TRED.

21 The most recent TRED report was the year-end 2023
22 report that demonstrates CPD's willingness to identify and
23 address instances where reasonable articulable suspicion is
24 found to be insufficient.

25 We commend CPD for this work and this progress.

1 With that, I turn it back over to you, Maggie.

2 And thank you, your Honor, for this time.

3 THE COURT: Thank you, Chief Putney.

4 MS. HICKEY: Your Honor, we can now turn to the
5 parties.

6 THE COURT: We are ready to hear from the City.

7 MR. SLAGEL: Good afternoon, your Honor. This is
8 Allan Slagel on behalf of the City of Chicago.

9 A number of us are gathered in a conference room at
10 CPD headquarters. I am going to ask, as we go around the
11 table, everybody to introduce themselves.

12 I will start over here, Sergeant Tom Stoyias.

13 SERGEANT STOYIAS: Hello, your Honor.

14 Sergeant Tom Stoyias. I am one of the supervising
15 sergeants here in research and development.

16 MS. BAGBY: Jennifer Bagby, Deputy Corporation
17 Counsel.

18 SERGEANT ARREOLA: Sergeant Silva Arreola from the
19 4ASRU unit.

20 OFFICER CARDENAS: Officer Cardenas from the Fourth
21 Amendment Street Stop Review Unit.

22 OFFICER REHNQUIST: Officer Rehnquist with the
23 4ASRU unit.

24 LIEUTENANT DeFELICE: Lieutenant Richard DeFelice,
25 lieutenant in TRED.

1 DEPUTY DIRECTOR CLARK-HENSON: Allyson
2 Clark-Henson, Managing Deputy Director of Office of
3 Constitutional Policing and Reform.

4 CHIEF NOVALEZ: Angel Novalez, Chief of
5 Constitutional Policing and Reform.

6 And if I could take a moment? Thank you very much,
7 your Honor and Maggie, for the well wishes, the condolences
8 on the loss of our officer.

9 Once again, incidents like this highlight the
10 dangers that our officers face every day out in the street
11 and the pain that comes with that loss.

12 We'd also like to acknowledge that there are
13 community members out there that suffered similar loss and
14 have similar pain. So I think working through ensuring that
15 we have good policies that are good for both the police and
16 for communities is where we want to get to.

17 But thank you very much for those condolences.

18 THE COURT: Thank you.

19 DEPUTY CHIEF JOYCE: Good afternoon, your Honor.
20 Good afternoon, everyone.

21 My name is Sean Joyce. I'm a Deputy Chief with the
22 Office of Constitutional Policing and Reform.

23 THE COURT: Good afternoon to -- go ahead.

24 MR. SLAGEL: Sorry. I was going to say, your
25 Honor, also on -- but I think he is on in the public

1 portion -- is Superintendent Larry Snelling.

2 So if Anthony-Ray or somebody could promote him to
3 panelist in case there's comments that he would like to make,
4 I would appreciate that.

5 Thank you.

6 With that, I'm going to turn it over to
7 Sergeant Stoyias, who's going to begin the presentation.

8 THE COURT: Okay. Great.

9 SERGEANT STOYIAS: Your Honor, I'm going to share
10 our screen here. Give me one second, ma'am.

11 (Brief pause.)

12 SERGEANT STOYIAS: All right. Are we able to see
13 the screen, everyone?

14 THE COURT: Yes.

15 SERGEANT STOYIAS: Okay. Very good.

16 We basically have a presentation here that myself
17 and Deputy Chief Joyce are going to go through and kind of
18 give you a little rundown, your Honor, of the creation of the
19 policies, the Fourth Amendment Stop Unit, and talk a little
20 bit about the main points of our ISRs and loitering ordinance
21 policies.

22 So to start, a little background and foundation.

23 In 2015, as Monitor Hickey spoke, there was
24 concerns raised at the *Smith v. City of Chicago*.

25 In August of 2015, the ACLU and the City met to

1 discuss with Judge Keys, as a consultant, to go through the
2 review and make recommendations for the policy and training,
3 audit, CPD Investigatory Stop Reports, as well as issue
4 periodic reports.

5 So in October of 2015, the "Integrity" section was
6 established to oversee that auditing process of the ISR Stop
7 Reports.

8 And then, in March of 2019, due to that existing --
9 preexisting condition, the consent decree was entered and
10 excluded investigatory stops from its purview.

11 In September of 2019, in response to Judge Keys'
12 reported concerns, the ACLU and City agreed to a temporary
13 stay agreement to undertake any additional steps to
14 accomplish the goals of the agreement.

15 So again, your Honor, just kind of giving you a
16 little timeline of where we were and kind of where we are
17 headed.

18 In the summer of 2020, we recognized that there was
19 an overlap between the agreement and the decree. So the ACLU
20 and the City agreed the monitor would transition into the
21 role of Judge Keys as the consultant.

22 Late in 2022, the City's resolution of the class
23 action lawsuit, investigatory stops, the City and Office of
24 the Attorney General agreed to attempt to negotiate the
25 inclusion of the investigatory stops into the consent decree.

1 In May of 2023, the City, the Department, the
2 Office of the Attorney General completed a negotiation where
3 we added 77 consent decree paragraphs into the consent decree
4 relating to investigatory stops.

5 By June 27th of 2023, those 77 amended paragraphs
6 were added to the decree.

7 October 3rd of 2023, the consultant and monitor
8 issued community engagement results that reported out on the
9 Institute for Policy and Civic Engagement at the University
10 of Illinois regarding some of those -- the CPD stops and
11 protective pat down practices.

12 So what we did is -- initially the policy itself,
13 your Honor, was a standalone police. As you can see there,
14 S04-13-09, which was the Investigatory Stop System.

15 With everything that's gone on, we have parsed out
16 those policies into four distinct different policies.

17 If you will take a look, General Order G03-08 talks
18 about the overview regarding the constitutional rights. We
19 included definitions, and we added types of police encounters
20 and types of searches.

21 After the parent policy in G03-08, we go into one
22 of our addenda, G03-08-01, "Investigatory Stops." And it
23 outlines the authority, guidelines, and procedures for
24 including specific prohibitions in conducting pat downs and
25 searches.

1 Also to add to that, we added a reporting --
2 another addenda, "Reporting Temporary Detentions." This
3 policy outlines all the procedures for stops, including a
4 unified Stop Report. We wanted to make sure that that Stop
5 Report encompassed everything that we had previously. So we
6 are in the process of creating that new Stop Report into an
7 electronic system. This will allow us to gather that access
8 of the data retention and transparency.

9 Finally, the last addenda to the suite here, your
10 Honor, the "Department Review of Temporary Detentions." This
11 outlines the district-level supervisory review, as well as
12 the Fourth Amendment Stop Unit responsibility.

13 So one thing that is important to notice within
14 this presentation -- Chief Kerr Putney brought it up -- was
15 the community engagement that was conducted on the CPD stops.

16 So the CPD and the ACLU conducted, I think, over
17 400 community members, which attended engagement sessions in
18 February, March, and April of 2023. The summary of those
19 findings were prepared by the Institute of Policy and Civic
20 Engagement or the UIC that had eight recommendations. Those
21 were provided in 2023.

22 CPD met with the organizations that responded to
23 those recommendations in September of 2023, with the process
24 to implement policy, training, and other recommendations.

25 The public posting that we -- proposed policy suite

1 timeline, we posted those drafts on the website for feedback
2 from August 9th, 2024, and we ended on September 9th of 2024,
3 and received some minimal feedback on those.

4 Some of the highlights of the policy really
5 emphasize community member rights, including the Fourth
6 Amendment. We really wanted to make sure that we express to
7 the officers the importance of acting with professionalism
8 and courtesy throughout the duration of those stops.

9 When conducting a stop, we want to make sure our
10 members communicate the basic basis for that stop, as well as
11 identifying themselves by name and rank, notifying the person
12 for the reason why they are being detained, letting them know
13 that they do not have to answer if they don't want to.

14 Some of the other policy highlights. It clarifies
15 prohibiting conducting a stop solely based on smelling
16 cannabis or marijuana.

17 We also added sections that prohibit a protective
18 pat down based solely on officer safety, as well as conduct a
19 consent decree search only if -- I'm sorry -- conduct a
20 consent to search only if the officers have reasonable
21 articulable suspicion.

22 And what what we listed out in the policy is some
23 of those -- for example, like specifically asking the person
24 for consent. So there's a list of things that are inside the
25 policies that help an officer identify those situations.

1 New policy highlights.

2 Again, we wanted to strengthen the supervisory
3 accountability here.

4 We added, supervisors will review all Stop Reports
5 and proper completion. We wanted to make sure that there was
6 only one revision to report. We wanted to make sure that
7 that same supervisor was going to be the one that had to
8 review that initial report.

9 Also that CPD supervisors were going to take
10 appropriate action as well as after-action support. So any
11 recommendations to address any of the rejected reports or
12 deviations from the policy.

13 Also some other things that we tried to strengthen
14 was, we wanted to make sure that there was a unit dedicated
15 just to reviewing these.

16 As you see, the Fourth Amendment Stop Review
17 Unit -- some of those members are here in the conference room
18 with us today -- are going to conduct all the
19 Department-level reviews of a representative sample of those
20 reports.

21 And finally, we wanted to make sure that some of
22 the data -- the stop data was accessible to the public. So
23 we wanted to make sure that we identified any de-identified
24 stop data that we could put on the website, as well as the
25 Fourth Amendment Stop Review Unit publishing a semiannual

1 report, kind of looking after their review and any responses
2 to trends.

3 Finally, your Honor, the gang and narcotics-related
4 loitering.

5 This policy we updated as well. We wanted to make
6 sure that we were inclusive of the actual Municipal Code, the
7 gang loitering and narcotics loitering.

8 A lot of the updates to this policy focused on
9 making sure that CPD is going to issue a dispersal without
10 conducting a stop or completing a Stop Report except when a
11 separate basis exists for that stop.

12 We are going to document the basis of the
13 dispersal. So identify the person by a description,
14 time/place.

15 And then, failure to promptly comply with the
16 dispersal order or returns to location within eight hours of
17 the dispersal may lead to the enforcement.

18 So after that initial contact, then if an
19 individual or a group of individuals fails to leave at that
20 point in time, then CPD can conduct and take enforcement
21 action where we actually physically get out and conduct a
22 field interview and write out a Stop Report.

23 MR. SLAGEL: Okay. Your Honor, we are going to
24 transition here to Deputy Chief Joyce. But before we get
25 into his description of the 4ASRU unit, I didn't know if you

1 had any questions with regard to policies or changes that you
2 wanted to address.

3 THE COURT: I do not.

4 Are there others who have questions about this?

5 (No response.)

6 THE COURT: Okay. I think we can move on then.

7 MR. SLAGEL: Okay. Deputy Chief.

8 DEPUTY CHIEF JOYCE: Good afternoon, Judge.

9 So after these paragraphs were added to the consent
10 decree in the order in June of 2023, the Department stood the
11 Fourth Amendment Stop Review Unit to facilitate the reviews
12 of ISRs.

13 As of today, the staffing in the Fourth Amendment
14 Stop Review Unit, or 4ASRU for short, is three sergeants;
15 nine police officers who serve as reviewers of the ISRs; as
16 well as one administrative officer, who is charged with the
17 responsibilities of the daily administration of the unit.

18 Just as an overall kind of view of the
19 responsibilities of the Fourth Amendment Stop Review Unit,
20 basically they analyze a representative sample. We will talk
21 a little bit more about how we sample -- get our sample of
22 ISRs for review in the coming slide.

23 In that review, we want to make sure that there is,
24 like, a legal basis for a stop, a pat down, or a search.

25 In the event we find that somehow the ISR is

1 insufficient with respect to any legal bases, we want to
2 identify those incidents of noncompliance, and we want to
3 make sure that officers or sergeants involved in the approval
4 of those are also given training and follow-up and
5 advisements so we could see gradual improvement across our
6 entire department in the practice of stops and documenting
7 those stops.

8 Just for a minute for those on the call, I just
9 want to talk a little bit about what we call reasonable
10 articulable suspicion, or RAS for short, and probable cause,
11 or PC.

12 These are the two legal bases upon which an
13 investigatory stop can be made. And in some cases, that
14 would also include a pat down and even a search.

15 So with respect to RAS, an investigatory stop, it's
16 basically a temporary detention and questioning of a person.
17 That's the standard we have to meet in order to legally
18 justify that stop. Reasonable articulable suspicion is the
19 standard.

20 Basically our stop is going to be -- stem from a
21 situation where we think a person has committed or is in the
22 process of committing or is about to commit a crime,
23 basically an offense.

24 Now, I will say RAS, it's a lower standard than
25 probable cause, or PC, but certainly, as you can see there,

1 it's more substantial than just a hunch or a general
2 suspicion.

3 RAS, it's based on a totality-of-the-circumstances
4 analysis.

5 In addition to investigatory stops, RAS is also the
6 legal standard for protective pat downs.

7 A protective pat down is basically -- it's a very
8 limited search of a person's outer garments for the
9 possession of weapons or anything that may jeopardize officer
10 safety.

11 The RAS for the stop is not in and of itself
12 sufficient for RAS for a protective pat down. Those are two
13 separate analyses. Right?

14 So an officer might have an RAS for a stop and not
15 necessarily RAS for a pat down. They can justify that pat
16 down if they could articulate that a person was armed and
17 dangerous or presented some danger of attack.

18 Now, probable cause is a higher standard than an
19 RAS. Basically it's when the police have knowledge of facts
20 that would lead a reasonable person to believe that a crime
21 has actually occurred and the person we are detaining has
22 committed that crime.

23 Now, it has to be viewed through the lens of a
24 reasonable police officer based on their training and
25 experience. In addition to being the basis for an arrest --

1 probable cause, that is -- it also serves as the basis for a
2 search. That's a search that may be more involved than a
3 protective pat down, which is, again, just a pat down of the
4 outer garments for weapons.

5 So after our reviewers conduct a review, they come
6 to one of these three conclusions when they review that ISR.
7 They are either going to concur with that sergeant out in the
8 field who approved that ISR, they are going to find that that
9 ISR is administratively deficient, or it has a more
10 significant problem or error known as deficiency.

11 So basically when they concur, what our reviewers
12 or sergeants in the 4ASRU unit is agreeing to is that the ISR
13 is complete, accurate, and meets our policy and standards for
14 documentation and certainly justifies that stop or search.

15 When we find that it has an administrative
16 deficiency, it's a lesser error but an error nonetheless.
17 When I say by "lesser error," I mean that there still is
18 likely a legal basis for that stop. However, there might be
19 something like typos or incomplete fields, something along
20 those lines where it's more of a documentation issue than a
21 legal basis for the stop type of issue.

22 Last but not least is what we are categorizing as
23 "deficiency." That's a very significant error with respect
24 to the ISR. That basically -- when we come to that
25 conclusion, that means that the officer did not articulate a

1 proper justification for the stop. It could be missing
2 various factors that would have contributed to reasonable
3 articulable suspicion, or sometimes it's just not a legal
4 basis for a stop at all. Again, deficiency being the most
5 significant of the errors that may occur.

6 Let's move on for a moment. I want to talk about
7 sample size and how the Fourth Amendment Stop Review Unit
8 determines the sample, because this is evolving over time.

9 So a prestipulation backlog period, which is
10 covered by Paragraph 854 of the consent decree, is basically
11 5 percent of 15 percent of all approved ISRs during the time
12 frame.

13 As you can see in that first point on the slide,
14 the time frame was pretty significant in duration. It was
15 January 1st, 2021, to June 27th of 2023.

16 So that was -- this 5 percent of the 15 percent,
17 basically the 15 percent is referring to what the predecessor
18 for 4ASRU used to review in terms of a percentage of ISRs.
19 It used to be 15 percent of all ISRs. And for the
20 stipulation -- the prestip period, that was reduced to 5
21 percent due to the length and period of time.

22 If we look at the period immediately following the
23 backlog period, which is June 28th through the end of 2023,
24 it was 15 percent of approved ISRs.

25 Same thing for January 1st through June 30th of

1 this year, 15 percent of approved ISRs.

2 But beginning July 1st in 2024 and going forward,
3 the Fourth Amendment Stop Review Unit is going to, in
4 accordance with the consent decree requirements, is going to
5 review a statistically representative sample. It's currently
6 at about 3 percent. We are going to periodically reanalyze
7 that to make sure 3 percent is, in fact, the right
8 percentage.

9 In addition to the 3 percent of all approved ISRs,
10 we are also going to review 100 percent of all ISRs that are
11 related to gang and narcotic loitering enforcement.

12 One other note about our sample size and we will
13 see in a second on our report outs, according to
14 Paragraph 858, our sample size has to be demographically and
15 geographically representative of the entire population of
16 stops that were performed by the CPD during that time period.

17 If you go to the next slide, you can see that this
18 is the report out from our prestipulation period. That far
19 left column, you could see denotes what area and district the
20 stops took place in.

21 Basically we have 22 districts here in the Chicago
22 Police Department. And this breaks down the stop by race and
23 geography for every one of the stops that were reviewed by
24 4ASRU during that January 1st, 2021, to June 27, 2023,
25 prestipulation period.

1 Likewise, on the next slide you will see that we
2 conducted the same analysis during the next period, which is
3 basically June 28th through December 31st of 2023.

4 During this period and all periods going forward,
5 part of our analysis is to ensure that what the Fourth
6 Amendment Stop Review Unit is actually reviewing is
7 representative geographically and demographically to the
8 total number of stops that were performed by the Chicago
9 Police Department during that period.

10 Last but not least, your Honor, I just want to talk
11 a little bit about what our feedback loop looks like. And
12 really -- we think this is really one of the key pieces of
13 the Fourth Amendment Stop Review Unit operation, because it
14 is through this feedback loop that, as a department, we are
15 undertaking an effort of constant improvement with respect to
16 our officers' knowledge and training of what a Fourth
17 Amendment compliant stop looks like, as well as how to
18 properly document those stops.

19 So the feedback loop during the prestipulation
20 backlog period of January 21st, 2021, through June 27th of
21 2023, resulted in a number of officers and supervisors
22 receiving feedback from 4ASRU.

23 As you could see on the slide there, 333 police
24 officers and 186 sergeants who approved those initial ISRs
25 that were written by those police officers, they were

1 enrolled in an e-learning module requiring the review of the
2 Department's Investigatory Stop System policy. 99 percent of
3 the Department members who were enrolled in that e-learning
4 successfully completed that training.

5 Again, they were enrolled in that e-learning, your
6 Honor, because they add a deficiency in that ISR, whether it
7 be an administrative deficiency or, again, the more serious
8 deficiency of RAS or PC.

9 In the period following prestipulation; that is,
10 June 28th through December 31st, we even broke down a little
11 bit more of how we target our feedback to our members in the
12 department.

13 As you could see, 839 police officers and 354
14 approving sergeants received advisements.

15 And what an advisement looked like during this time
16 frame is basically an email with a copy of their ISR on there
17 with a description of what either the administrative
18 deficiency or RAS/PC deficiency was, as well as a direction
19 from the policy, so both the officers who authored the ISR,
20 as well as sergeants who approved the ISR have a clear
21 example of what issue was detected by the Fourth Amendment
22 Stop Review Unit and how to remedy that going forward.

23 In addition, we had seven officers during that time
24 frame who had five or more deficiencies. And these are not
25 administrative deficiencies. These are deficiencies of the

1 RAS/PC type. That was with any rolling 90-day period during
2 that June 28th to December 31st, 2023.

3 They received additional training on top of the
4 advisement. That additional training was enrollment in a
5 couple of e-learning modules. The first one was our
6 "Investigatory Stops Refresher." Basically that is a
7 presentation of the material that our trainers use when we
8 are actually teaching and instructing on Fourth Amendment
9 stops.

10 They also were enrolled in "Investigatory Stop
11 Reports FAQ." This is a page with frequently asked questions
12 from the field that has been put together as well as
13 responses to those questions, which certainly comport with
14 the law and our policy here in the CPD.

15 Again, that was done with further efforts to,
16 again, keep the learning process among those members. And
17 that is also a requirement, this five or more deficiencies
18 within a rolling 90-day period. We will be continuing to do
19 that going forward, as that is a requirement of Paragraph 859
20 of the consent decree.

21 But in addition to that, we also identified four
22 officers. And stay with me here. The math gets a little bit
23 involved.

24 THE COURT: Nice.

25 DEPUTY CHIEF JOYCE: But basically four officers

1 with five or more deficiencies in a rolling period that was
2 greater than 90 days but within the 365. They, too, were
3 enrolled in these e-learning modules.

4 Moreover, we have identified 12 officers who had
5 exactly four deficiencies in a rolling 365-day period. And
6 they also were enrolled in those same learning modules.

7 And, again, even though those aren't expressly
8 required by the consent decree, we also recognize that when
9 we see officers in that time frame experiencing kind of that
10 level of -- looks like they need further assistance training,
11 we thought we would address it in this manner in addition to
12 what is required in Paragraph 859.

13 Just for an update in terms of compliance with our
14 feedback loop to the field, of the 23 members that were
15 enrolled in these modules, all but one successfully completed
16 the training as of today's date.

17 At this time, that concludes the presentation with
18 respect to the Fourth Amendment Stop Review Unit, as well as
19 policy and the history of how we got here.

20 I guess I would open it up if there are any
21 questions at this time.

22 THE COURT: Any other questions?

23 You know, I would like it -- if you wouldn't mind,
24 I would like a copy of the PowerPoint. That was great. I
25 could use that.

1 MR. SLAGEL: Yes, your Honor. We will provide it
2 to you through the monitor.

3 THE COURT: Good.

4 Anything further from CPD?

5 MR. SLAGEL: No, your Honor. Thank you.

6 THE COURT: Okay. Then let's turn to the Office of
7 Attorney General, and Ms. Pannella, if she has got some
8 remarks to make.

9 MS. PANNELLA: Yes, your Honor. Thank you.

10 Good afternoon. My name is Kate Pannella. I am
11 our team's lead for the consent decree section "Investigatory
12 Stops, Protective Pat Downs, and Enforcement of Loitering
13 Ordinances," which I will refer to throughout my remarks as
14 "investigatory stops" for simplicity.

15 Before I begin speaking about investigatory stops
16 today, I first want to extend profound condolences from the
17 Attorney General's office to the Chicago Police Department
18 and the City of Chicago for the death of Officer Enrique
19 Martinez last week. Our team was incredibly saddened by his
20 senseless killing, and we grieve his loss alongside his
21 family and all Chicagoland.

22 Now, before getting too far into my remarks today
23 regarding investigatory stops, I do want to define one term.
24 I will skip "investigatory stops" and "pat downs" because
25 Deputy Chief Joyce covered those. But I do want to briefly

1 kind of define what we mean when we say "loitering
2 ordinances." That actually refers to ordinances passed by
3 Chicago City Council, specifically gang- and
4 narcotics-related loitering ordinances.

5 These ordinances permit CPD to designate certain
6 geographic areas as gang or narcotics hot spots. A person
7 loitering in a designated hot spot may lawfully be ordered by
8 the police to disperse or leave the area.

9 Now, the "Investigatory Stops" section, which is
10 currently Paragraphs 800 through 877 of the consent decree,
11 is unique. It is the only full section to have been added to
12 the consent decree after the original agreement was entered
13 into.

14 And as Monitor Hickey mentioned earlier, this
15 addition is quite recent. Whereas, the original consent
16 decree went into effect in early 2019, "Investigatory Stops"
17 was added less than a year ago -- sorry -- less than a year
18 and a half ago, in June 2023.

19 Today I want to do two main things with my remarks.

20 I first want to highlight the main requirements of
21 the "Investigatory Stops" section, and then I'm going to
22 discuss from the perspective of the Attorney General's office
23 CPD's status with respect to the Department's implementation
24 of this section's requirements, including areas of progress
25 and areas of improvement.

1 So I would like to first highlight the main
2 requirements of the "Investigatory Stops" section.

3 Building upon the work done as part of the ACLU
4 agreement and by the *Smith* plaintiffs, the consent decree
5 requires all of the following: Paragraph 803 requires that an
6 officer must issue an order to an individual loitering in a
7 designated hot spot to disperse or leave the area before the
8 individual can be subjected to an investigatory stop based on
9 that loitering. And that's required by Paragraph 803.

10 During an investigatory stop, the officer must
11 communicate with the detained individual consistent with
12 principles of procedural justice, including identifying
13 themselves, stating the reason for the stop, and informing
14 the person that they are being lawfully detained and are not
15 required to answer questions, and that the encounter is being
16 recorded on body-worn camera. Those are required by
17 Paragraphs 805, 808, and 810.

18 Officers may not request consent from a person to
19 perform a protective pat down or a full search unless they
20 have specific required reasonable suspicion. That's
21 Paragraphs 806 and 807.

22 Paragraphs 812 through 817 require officers to
23 fully document all investigatory stops and protective pat
24 downs, including all of the facts on which their reasonable
25 suspicion was based.

1 CPD must provide adequate training to all officers
2 on investigatory stops, protective pat downs, and enforcement
3 of the loitering ordinances. That's required -- the training
4 requirements are in Paragraphs 822 through 827.

5 Paragraphs 828 through 833 require meaningful
6 supervisory review of officer investigatory Stop Reports.

7 Paragraphs 852 through 861 require department-level
8 review and semiannual reporting on investigatory stops,
9 protective pat downs, and loitering ordinance enforcement by
10 the dedicated Fourth Amendment Street Stop Review Unit.

11 Paragraphs 834 through 851 require data collection
12 and annual analysis of CPD investigatory stop data by an
13 independent subject matter expert.

14 Paragraph 873 prohibits the use of quotas.

15 And Paragraphs 862 through 866 require community
16 engagement on CPD's investigatory stop policies and training.

17 Now I would like to discuss the status of CPD's
18 implementation of these requirements.

19 The IMT's monitoring report for IMR-10 will be
20 filed soon. It's important to acknowledge that the pie
21 charts reflecting the numbers of paragraphs and differing
22 levels of compliance cannot fully convey the amount of work
23 being done to implement consent decree requirements or the
24 amount of progress being made.

25 CPD has arguably made more progress implementing

1 the requirements of the "Investigatory Stops" section than it
2 has other sections of the consent decree that have been in
3 effect for years longer. This is undoubtedly due in no small
4 part to the groundwork that was laid by the predecessor ACLU
5 agreement, as well as the infrastructure for reform already
6 long in place by the time this section of the consent decree
7 was added. Nonetheless, the Department deserves credit for
8 the progress made it has made. That progress specifically
9 includes, the Fourth Amendment Street Stop Review Unit has
10 reviewed all of the investigatory Stop Reports it was
11 required to review to clear a backlog of reports from the
12 beginning of 2021 through June 2023.

13 CPD has worked and is continuing to work
14 collaboratively with our office and the Independent
15 Monitoring Team to determine a mutually agreeable methodology
16 for the Fourth Amendment Stop Review Unit's review of a
17 representative sample of investigatory Stop Reports, which
18 Deputy Chief Joyce talked about in more detail a little bit
19 ago.

20 CPD produces its investigatory stop data to our
21 office and the IMT on a monthly basis and posts that data on
22 its website annually as required by Paragraph 834. This is
23 an incredibly important transparency mechanism that allows
24 any individual or organization to review and analyze CPD's
25 data.

1 CPD has conducted the data systems needs assessment
2 required by Paragraph 835 and is working to revise it.

3 And finally, as CPD discussed earlier, the
4 Department has made significant progress developing the
5 suites of written directives and forms that will formally
6 enshrine the requirements in this section of the consent
7 decree into department policy.

8 The Attorney General's office is pleased with the
9 progress the Department has made. The AG remains concerned,
10 however, regarding the role community engagement has played,
11 as CPD has made a strong push to develop its two suites of
12 written directives.

13 Our robust community engagement process on
14 investigatory stops was conducted in 2023 as part of the ACLU
15 agreement, which consisted of a series of 17 community
16 roundtable discussions involving over 400 Chicagoans. That
17 process resulted in a set of recommendations regarding CPD's
18 stop and pat down practices, which were reported on in a
19 consultant report in October 2023.

20 It's true that the Department responded in writing
21 to those recommendations, but the recommendations seem not to
22 have factored into CPD's work on the written policies over
23 the course of the last six months, nor is the AG aware of
24 significant other efforts to engage the community as part of
25 the recent policy development process.

1 Investigatory stops, protective pat downs, and
2 loitering dispersals are common experiences for many
3 Chicagoans, and they are experiences that can leave community
4 members feeling powerless with that agency.

5 Those experiences also give community members
6 unique expertise that must be an indispensable resource to
7 CPD.

8 Procedural justice requires that community members
9 be given a voice not only during their everyday interactions
10 with police officers but also in the policies that govern
11 those interactions.

12 Soliciting feedback from community members and then
13 putting that feedback into a drawer to be forgotten cannot
14 have a successful community engagement. CPD needs to do
15 better.

16 The AG urges the Department to commit itself to
17 meaningful community engagement as it works to finalize the
18 investigatory stops and loitering ordinance policy suites. A
19 clear opportunity currently exists. The coalition sent a set
20 of comments regarding CPD's investigatory stops policy suite
21 just last week.

22 As CPD is finalizing these policies, we ask and
23 expect CPD to engage with the coalition and to give their
24 feedback careful consideration.

25 We also urge CPD to involve community members,

1 including the coalition, in its 2025 in-service training
2 program, much of which relates to traffic stops.

3 Now, during the development of those training
4 curricula, is the time to make that invitation. It is
5 through small gestures such as these that CPD can begin to
6 regain public trust one good faith effort at a time.

7 The Attorney General's office appreciates the
8 opportunity to reflect today on the "Investigatory Stops"
9 section. We do commend CPD for the work it has done and is
10 doing and the progress it has made. We also continue to
11 emphasize and encourage the Department to prioritize
12 engagement with the community as an integral aspect of that
13 work and not an afterthought. And we remain committed to
14 being a partner to the Department in this important work.

15 I do want to conclude by noting that the progress I
16 have highlighted today depends on CPD having the resources
17 necessary to do the steady, quiet work of reform. And that
18 is why we at the Attorney General's office must express our
19 grave concerns regarding the City's proposed budget cuts to
20 CPD's Office of Constitutional Policing and Reform, which is
21 the cornerstone of CPD's reform work.

22 The City's progress under the consent decree so far
23 has been far slower than anyone hoped. However, since the
24 beginning of Superintendent Snelling's tenure, we have begun
25 to see a change in course. These slashes to the budget of

1 the Office of Constitutional Policing and Reform, like the
2 ones that have been proposed, endanger the momentum that has
3 begun to build over the last year.

4 We strongly urge the City leadership to reconsider
5 these proposed cuts. Compliance with the consent decree is
6 not optional.

7 Thank you for your attention today, your Honor.

8 THE COURT: Thank you for those comments on behalf
9 of the Attorney General.

10 Will there be questions for Ms. Pannella?

11 (No response.)

12 THE COURT: I think we can turn to the coalition
13 for some comments in the next few minutes.

14 MR. DiCOLA: Thank you very much, your Honor.

15 Good afternoon. My name is Joe DiCola, and I'm a
16 staff attorney at the ACLU of Illinois speaking today on
17 behalf of the coalition.

18 The coalition has sent detailed recommendations to
19 the parties and the IMT to improve CPD's draft policies on
20 police encounters and the Fourth Amendment.

21 In my time, I would like to highlight several of
22 the coalition's recommendations that changed CPD's practices
23 that harm our clients, communities of color, and Chicagoans
24 as a whole.

25 Virtually all of the coalition's recommendations go

1 toward realizing CPD's obligation under federal and state law
2 and the consent decree to prohibit discrimination based on
3 race, ethnicity, and other protected status.

4 First, CPD must delete the word "solely" where the
5 policies prohibit law enforcement actions "solely" based on
6 race or ethnicity. The law and the decree prohibit stops and
7 searches motivated in part by protective characteristics
8 except when race and ethnicity is a part of a specific
9 description of a person.

10 Apart from that narrow exception, as the coalition
11 commented at the August 2023 fairness hearing on the stop and
12 frisk stipulation, using "solely" in this context violates
13 the U.S. Constitution and Paragraphs 55 to 56 of the decree.

14 The IMT agrees and recommended in the Comprehensive
15 Assessment Part 2 that the word "solely" must be deleted from
16 the section. CPD should remove the unconstitutional standard
17 from this policy.

18 And further, the coalition urges that the word
19 "solely" be deleted from Section 4 of draft G03-08-01
20 wherever it appears.

21 The inclusion of "solely" in more than half of
22 these subparagraphs defeats their prohibitory purpose because
23 this is a section on prohibitions in the procedures and
24 policies for conducting stops and searches.

25 By including "solely" immediately after the

1 prohibitory language, it undermines that purpose and implies
2 that officers can rely to some extent on discriminatory
3 factors to justify stops.

4 For example, the policies prohibit officers from
5 stopping people solely based on their location in a
6 high-crime area or solely for being in the presence of others
7 suspected of criminal activity. The language suggests that
8 officers may rely on those two factors in combination, but
9 adding two unreliable factors together doesn't increase the
10 reliability. The word "solely" should be deleted through
11 these policies.

12 In the PowerPoint presentation the City presented,
13 the standard for reasonable articulable suspicion contained
14 incorrect language of danger of attack as the legal standard.
15 Whereas, the probable cause standard for a protective pat
16 down is that the person is reasonably believed to be armed
17 and dangerous.

18 Pretext stops are another discriminatory practice
19 that are not mentioned in these policies and must be defined
20 and expressly prohibited.

21 A pretext stop happens when an officer stops
22 someone for a minor infraction, but the real purpose is to
23 investigate criminal activity for which they have neither
24 reasonable suspicion nor probable cause.

25 More than 80 percent of pretextual stops by the CPD

1 are of black and Latino people far out of proportion with
2 their population in Chicago. Recognizing the practice's
3 harmful impact on people of color and its widely understood
4 motivation by harmful bias, the police departments in
5 Baltimore, Seattle, San Francisco, and Los Angeles have
6 banned or restricted pretext stops. Chicago should join this
7 group.

8 Further, the decree requires deescalation as a
9 general requirement, not only relevant in serious
10 use-of-force incidents. CPD is required to prevent or reduce
11 the need for force altogether, and they can do this by
12 ceasing the practice of low-level stops or low-level
13 violations with no connection to public safety. They should
14 prohibit those kinds of stops, such as for jaywalking,
15 drinking in public, and minor vehicle registration and
16 equipment violations.

17 Additionally, the policy should prohibit other
18 escalatory tactics which have been reported in the community
19 feedback sessions and by the coalition clients, such as
20 pointing guns at people during stops where deadly force would
21 not be authorized, routinely ordering drivers and passengers
22 out of cars, and handcuffing them while searching cars.
23 These all constitute regular escalations experienced by the
24 people of Chicago. They should be prohibited in these
25 policies.

1 The City presentation mentioned an update based on
2 the smell of cannabis, but the current draft policy did not
3 go far enough to comply with the law or the consent decree on
4 the odor of cannabis point.

5 CPD must prohibit officers from relying on the
6 smell of cannabis at all, burnt or unburnt, to justify
7 warrantless stops and searches. And that would comply with
8 Paragraph 806(i) of the decree and the Illinois Supreme
9 Court's recent decision in *People v. Redmond*.

10 Cannabis enforcement is proven to
11 disproportionately target black and brown people in Illinois
12 and nationwide.

13 The possession of personal amounts of cannabis is
14 legal in Illinois. And possession of improperly packaged
15 cannabis is now an extremely minor technical violation of the
16 vehicle code. The policy should prohibit officers from
17 stopping and searching people based on the odor of burnt or
18 unburnt cannabis.

19 The policy should require CPD to regularly conduct
20 a disparate impact analysis. So to ensure that these -- the
21 coalition recommends each of these specific recommendations.
22 And then to track the actual implementation of
23 nondiscriminatory policing policies, CPD needs to regularly
24 conduct a disparate impact analysis.

25 If the stop data that they are collecting is

1 showing that they are stopping black and Latino people
2 disproportionately, these Fourth Amendment policies must
3 require the Department to determine why that's happening and
4 how to fix it.

5 The policies must set up remedial measures and
6 goals for correction beyond e-learnings and more training
7 where CPD's data shows racial or ethnic discrimination or
8 discrimination against other people.

9 The Department needs a departmentwide plan for
10 addressing those disparate impacts, and they need officer-
11 and supervisor-level disciplinary remedial measures.

12 On community engagement, the coalition shares the
13 Attorney General's concerns that CPD has no meaningful plan
14 to hear and integrate community feedback on its stop and
15 frisk practices on an ongoing basis.

16 The City noted that they participated in 400
17 community engagement sessions in 2023 but did not mention
18 that they rejected all of the feedback that was received
19 during those sessions.

20 The City also did not respond to the coalition's
21 comments provided on September 9th of this year on these
22 policies.

23 As the IMT's Comprehensive Assessment Part 2 shows
24 based on their surveys of the residents of Chicago, people
25 are still waiting to see the results of the decree's reforms

1 in their daily experiences with CPD and are increasingly
2 doubtful that they ever will see that in their lives.

3 This particular policy on the rights protected by
4 the Fourth Amendment and Section 6 of the Illinois
5 Constitution, it touches on every other directive and every
6 goal of the consent decree.

7 The decree is in place because police encounters
8 are often traumatizing, dehumanizing, dangerous, or deadly
9 for the community. The policy can only be complete with a
10 real plan to act upon the feedback of the people they are
11 meant to protect.

12 Thank you very much, your Honor.

13 And with that, I turn to my colleague, coalition
14 counsel Sheila Bedi, to address the gang and narcotics
15 loitering.

16 Thank you.

17 THE COURT: Thank you, Mr. DiCola.

18 Ms. Bedi.

19 MS. BEDI: Thank you, your Honor.

20 I'm Sheila Bedi, one of the counsel for the
21 coalition.

22 I would like to begin my remarks by echoing the
23 condolences that have previously been expressed for those who
24 are mourning the loss for Officer Martinez.

25 I also want to express appreciation to the

1 commander who recognized that far too many Chicagoans in
2 every capacity are dealing with the effects of gun violence.

3 I want to focus my comments on the gang and
4 narcotics loitering policy revisions.

5 Your Honor, when we have been before you at every
6 single status hearing you have heard us talk about the delta
7 between CPD's professed commitment to constitutional policing
8 and what's happening on the streets.

9 Here we see a delta between that commitment to
10 constitutional policing and what the CPD is putting down on
11 paper. Ms. Pannella talked about that to some extent. I
12 want to get a little bit more granular there.

13 The revisions in the gang and narcotics loitering
14 policy will violate the Constitution, will violate policing
15 best practices, and will put thousands of Chicagoans at risk
16 for deportation and other adverse consequences. This is, of
17 course, heightened now, given the change -- the upcoming
18 change in presidential administration.

19 The current mayoral administration pledged to end
20 Chicago's gang database. That's because it had no utility as
21 a violence reduction strategy, because it was riddled with
22 errors, because it was racially discriminatory. And now we
23 have got proposed revisions to the gang and loitering
24 ordinance policies that will supercharge the gang database
25 and will expand it to entire city blocks.

1 Under the revisions that are proposed by the CPD,
2 CPD commanders and others could designate hot spots in the
3 City of Chicago. And these are communities where CPD
4 believes there is prevalent gang and narcotics activity.

5 Once those hot spots are designated, CPD will then
6 enforce loitering ordinances in that area. And CPD will seek
7 to enforce loitering ordinances specifically against people
8 who they believe are gang members because they either wear a
9 certain symbol, because of their clothing, because of other
10 symbols, or because a CPD document designates an "active gang
11 member" status.

12 The policy has no provision that suggests how a
13 person could challenge being designated an "active gang
14 member" status. And we have seen from Inspector General
15 reports and academic studies that identifying gang members
16 based on "emblems" or clothing just leads to racial
17 profiling. It's a highly ineffective way to identify people
18 who are involved in violent acts.

19 So just based on what I have described, there are
20 clear violations of due process baked into this policy. And,
21 again, these violations are deeply concerning given that CPD
22 has a history of making inaccurate gang designations,
23 imposing them on people who have then been subject to
24 prioritized deportation and other adverse consequences.

25 The changes of the loitering policy will also

1 violate the First Amendment and will contradict what we have
2 heard from both the police department and the mayoral
3 administration about its commitment to using violence
4 interrupters and peacekeepers.

5 We know that violence interrupters and peacekeepers
6 are incredibly effective at reducing community crime and that
7 they, in study after study, demonstrate that these type of
8 civilian peacekeepers are effective in "hot spots."

9 The policy requires CPD or gives CPD the authority
10 to enforce the loitering ordinance when any street gang
11 member is present and it's reasonable to believe that the
12 individual is there to establish control or intimidate.

13 Now, peacekeepers aren't intimidating generally.
14 They are doing their work through mediation and building
15 relationships, but they are exercising some measure of
16 control and persuasion. There is no First Amendment
17 exception built into these policy revisions.

18 And the existence of these policies and the
19 hostility that they demonstrate to community violence
20 interruption work is certainly going to chill the successful
21 violence interruption work that we have seen in the streets
22 of the City of Chicago, particularly as it relates to young
23 people.

24 And this is particularly devastating because we
25 have got a 2020 study that demonstrates that community

1 violence interruption has a 68 percent success rate in terms
2 of reducing shootings in West Garfield Park.

3 Conversely, the use of hot spot policing has been
4 found to have no demonstrable success at reducing violence,
5 particularly because what hot spot policing does is
6 essentially diffuse crime throughout the community.

7 So this proposal, as you have already heard, would
8 certainly violate impartial policing and the community
9 policing proponents of the consent decree.

10 It also goes to the core of CPD's hostility to
11 community involvement and community engagement here. We are
12 deeply concerned that the proposal as written directly
13 contradicts the special order that was promulgated by The
14 Community Commission For Public Safety and Accountability.
15 There's no evidence that they were read in on this decision.
16 Certainly the coalition that Mr. DiCola and I represent were
17 not read in.

18 But the existence of this policy underscores a
19 larger issue, and that is CPD's insistence on relying on
20 policing strategies that are not only unconstitutional but
21 ineffective at creating safe communities.

22 Until CPD addresses this cultural deficit, there is
23 no amount of policy change that's going to change what's
24 happening on the streets, and the consent decree will
25 continue to be viewed as a failed endeavor.

1 Thank you for taking the time to listen to the
2 coalition today.

3 THE COURT: Thanks, Ms. Bedi.

4 Are there comments now from the City or the
5 Attorney General?

6 (No response.)

7 THE COURT: All right. Then I believe Ms. Hickey
8 has some comments that she would like to make. I will ask
9 her to go ahead and close us out here with those final
10 comments

11 MR. SLAGEL: Sorry, your Honor. I think
12 Superintendent Snelling wanted --

13 SUPERINTENDENT SNELLING: Yeah. I'm sorry, Judge.

14 THE COURT: Oh, he's here. Oh, good.

15 MS. HICKEY: Superintendent Snelling is here. I
16 just saw him come off mute.

17 THE COURT: That's great. We would love to hear
18 from him. Let's take that time right now.

19 SUPERINTENDENT SNELLING: All right. Sorry about
20 that. I just had a few technical difficulties.

21 First of all, I would just like to say thank you to
22 everybody for all of your condolences for Officer Martinez
23 and his family. Just a tragic, tragic chain of events that
24 occurred that night. It's good to see the outpouring of
25 people who realize that a human life was taken. And that

1 happens all too often across this city as a whole.

2 The access to guns for people in our city is just
3 leading to the loss of lives in -- we're talking about an
4 officer here, but children, mothers, families are being
5 destroyed. And we really have to get a handle on this gun
6 violence.

7 Just a conversion of these handguns to fully
8 automatic handheld machine guns, it's now giving these
9 individuals the ability to take lives in greater fashion and
10 higher numbers.

11 We are going to continue to work on that.
12 Hopefully we can come up with some legislation to deal with
13 the gun violence that's plaguing a lot of the communities
14 that are at highest risk right now. So we just want to make
15 sure that we are looking at saving lives across the City as a
16 whole.

17 So thank you, everybody, for your condolences to
18 the family.

19 Just a few things that I want to mention.

20 The first thing I want to talk about is CVI
21 workers. The strategies that we come up with, especially in
22 our communities that are at the highest risk for violence, we
23 work directly with our CVI workers. We work in partnership
24 with them. And when we come up with strategies, we share
25 those strategies with our CVI workers.

1 We are actually working on something right now
2 where we are sharing alerts and CPIC notifications to those
3 workers so that they know when something occurs in the
4 neighborhood, they can kind of get out in front of it and
5 help us out to avoid retaliation.

6 So we are working closely with our CVI workers.

7 Every district commander, especially -- now, they
8 are not across the entire city, but in the areas where they
9 are working, we work very well with them.

10 As a matter of fact, they have helped us with some
11 teen trends in the downtown area, which has helped the police
12 not have to go hands-on with a bunch of young people who
13 decided that they were going to go downtown and wreak a
14 little havoc and stir up some trouble. They have been very
15 instrumental in helping us with that. So we have been able
16 to keep that down. And you have seen that we haven't had the
17 level of damage in the downtown area with the young people
18 because of the partnership that we have.

19 I heard mention of a gang database. I ended that.
20 So our plans around CEIS, that does not exist. So we don't
21 put people in the system as gang members right now. That
22 effort was too cumbersome. It was too much to deal with. So
23 we are working around that.

24 What we are looking for are people who are
25 connected to violent crimes, and we recognize those people

1 through their actions, not their affiliation.

2 This was one of the biggest issues that you will
3 see going forward, that when we -- and this goes exactly to
4 some of the things that we have been working on internally
5 with our own people, that when you simply go after people for
6 what you think is an association, most times you get it
7 wrong. We are looking at actions. We are looking at what
8 people are doing, and we want to act on that.

9 So when we are looking at reasonable articulable
10 suspicion and probable cause for stop and arrest, we are
11 dedicated to making sure that our police officers are
12 policing constitutionally.

13 And if the DNC taught us anything, that the
14 top-down effect where the accountability starts at the top
15 all the way down, that we hold people accountable for what
16 the expectations are, we expect all of the training that's
17 around constitutional policing to take full effect. And in
18 order for that to happen, our leadership has to make sure
19 that that is happening. So I hold myself accountable and I
20 hold every exempt member accountable down to all of our
21 supervisors to make sure that our officers are doing this the
22 right way.

23 Now, we can't get there unless everybody is trained
24 over and over and over again. It can't just be a policy.
25 Policies, laws, they are in place all day. People break

1 those all day. It can't simply be a policy. We have to
2 train around those policies. We have to make sure that our
3 officers have a clear understanding of our expectations and
4 what is expected of the public when we are dealing with them
5 in a constitutional manner. So we are going to make sure
6 that we continue that effort.

7 When we -- there was something mentioned about
8 using the word "solely," and there's a lot there. There are
9 some good points. Those are things that we are seriously
10 going to take into consideration.

11 Obviously there are factors where gender, race,
12 height, weight, those things, when someone has committed a
13 heinous crime, that we would look for, but it can't be solely
14 based on that. There has to be other factors. But those are
15 things that we seriously take into consideration.

16 The information that's coming from the coalition,
17 absolutely we are looking at all of it, and we are going to
18 make sure that we look through every single thing, and we
19 analyze it and see how it's going to best fit into what we
20 are doing.

21 The consent decree as a whole and the concern that
22 Attorney Pannella brought up regarding not having the
23 resources, here is what I will tell you we did from the very
24 beginning when these cuts were presented to us. The number
25 one thing we wanted to make sure is that we had people to

1 continue to work toward the consent decree. Those were the
2 positions that we fought for first. We are going to continue
3 to fight for them, because this consent decree -- the
4 progress that I believe that we are making right now, I don't
5 want to break that momentum. And I want to make sure that we
6 keep going in the right direction.

7 I believe that my team is working really hard. We
8 meet regularly. And they want -- they want to come into
9 compliance with this consent decree, as do I. And I believe
10 everybody on the call wants the same thing. But we don't
11 want to just come into compliance. We want to better this
12 police department, and I believe that we can do that.

13 The men and women that we have out there working,
14 we have a responsibility to make sure that we train them, get
15 the resources necessary for them to do their jobs properly.
16 And we have to hold our -- not only hold the offices
17 accountable, but we have to hold ourselves accountable.

18 So these forms are great for sharing information.
19 And as long as we are listening to each other, hearing each
20 other out and we sit down, I believe that we can work out and
21 come to an agreement that's going to be best for all, best
22 for our police department, best for our community. And then
23 we could start to rebuild that relationship and get to the
24 bottom of safety in our communities, because until we close
25 that gap and create a greater connection with our

1 communities, it's going to be hard to bring crime down to a
2 level where people start to really feel safe in the city.

3 So we do have a responsibility to make sure that we
4 keep the city safe, and we want to make sure that we still
5 have levels of authority and mechanisms in place to do that.
6 But at the same time, we want to make sure that we are not
7 violating anybody's rights and that people not only feel safe
8 in their communities, but they feel good about contacting us
9 and having interactions with us to give us information that's
10 going to help them, that's going to help the neighborhood,
11 and help us get to the bottom of violent crime.

12 With that being said, I appreciate everything that
13 everyone is doing right here. I really appreciate my team
14 and the hard work that they are putting in, because everybody
15 is listening. Allan and Jen are working really hard with
16 everyone on the call. I just can't say enough about that
17 work that's being done.

18 And lastly, community feedback. I'm looking right
19 now at every avenue. We need to get everybody involved that
20 we can. I know that the team has worked really hard on this.
21 I'm trying to bring in the NAACP to come in and help out with
22 some of those things. So we will be looking at a greater
23 reach.

24 So I just want everybody to understand that we take
25 this seriously. And it's going to be important moving

1 forward that we are all working together, hearing each other
2 out, and working together collaboratively to get to the
3 bottom of this, because I think we all want the same thing.
4 We want safer communities, safer neighborhoods, but we also
5 want much better relationships, because that's the only way
6 we are going to get to those safe communities.

7 So with that, that's all I have. I will stop
8 talking now.

9 Thank you for the time, Judge.

10 And thank you to everybody on the call.

11 THE COURT: Thank you, Superintendent Snelling.

12 And thanks especially for your (audio interruption) process.

13 We are all very sensitive to a couple of issues.

14 One, obviously this tragic death and the concern
15 that looms larger and larger in my mind that the availability
16 of guns and the regular use of guns by way too many people is
17 not only a horrible tragedy for those affected by it but also
18 implicates the ability of the city and our effort to reform,
19 because the fear of guns influences so much of the behavior.
20 The tragic loss of one life is never acceptable -- even one
21 life. And this one is very painful.

22 We are all concerned as well about the budget and
23 what that's going to mean in our city and for the police
24 reform effort. I am personally concerned about how CPD's
25 budget decisions might impact what we are doing here, because

1 there has been a commitment on the part of this city and the
2 police department and this superintendent to all Chicagoans
3 to implement that consent decree. It's been in place for
4 years. We all intend and understand it needs to be
5 implemented. Every requirement needs to be implemented. And
6 that means that it's going to cost city funds in order for
7 that to happen, to do the work and achieve the kind of change
8 that we are seeking.

9 I know that it's probably obvious to many of you,
10 but just to reiterate my own understanding that reform is
11 ultimately something that saves the city money and saves not
12 only financially money but saves us all in terms of morale,
13 determination, commitment, and the ability of the police
14 officers to be as effective as they can be.

15 Now, I want to recognize that there has been
16 significant progress and we have seen some, but there is a
17 lot of work that still is left to do. We all recognize that.

18 We just heard comments from the coalition. We
19 repeatedly heard comments like those and comments from the
20 Office of the Attorney General as well. And I just want
21 everyone to know that I am determined that our new budget
22 will continue to uphold the city's commitment to this reform
23 effort and keep us on track toward resolving this -- the
24 issues that led to this consent decree and doing so in an
25 effective, safe, and speedy manner.

1 Ms. Hickey, anything that you would like to add?

2 MS. HICKEY: Yes. Thank you, your Honor.

3 I have consistently said that the consent decree
4 reform process is a marathon, not a sprint, and it's
5 important to see steady progress toward the finish line.

6 Under Superintendent Snelling and his team, we have
7 seen the City and the CPD pick up the pace on some key reform
8 efforts. Chicago cannot afford for the pace to slow down.
9 But I'm fearful that the City's proposed CPD budget cuts will
10 slow down efforts toward full compliance.

11 For example, the City is in the middle of a
12 comprehensive workforce allocation study, which is mandated
13 by the consent decree. The million-dollar study is being
14 funded by local philanthropy. But the proposed budget cuts
15 will result in elimination of many key positions and roles,
16 including positions in training and the Office of
17 Constitutional Policing and Reform.

18 Those teams, the training teams and the members of
19 the Office of Constitutional Policing, have been working so
20 hard in the last year and a half, and they have seen real
21 success. And it would be a shame to see them not supported
22 in the 100 percent way that they deserve to be.

23 Cutting these positions permanently could be a
24 devastating blow to future CPD reforms. We cannot afford to
25 stall progress now. The City and the CPD have established

1 the foundations for change, and there has been recent
2 momentum toward implementing reform as demonstrated by CPD's
3 preparation for and the response to the Democratic National
4 Convention. The CPD demonstrated that it can rise to the
5 standards of the consent decree and Chicago's community when
6 reform, community engagement, and procedural justice are
7 fully supported and fully resourced.

8 The proposed budget cuts would be a step backward
9 for the CPD reform process at a pivotal point just when
10 progress is starting to be felt. Chicagoans expect and
11 deserve a CPD budget from the City that does not abandon the
12 existing investments in CPD's efforts to build trust, honor
13 its commitments to implement the reforms required by the
14 consent decree, respect the rights of the people in Chicago,
15 and provide effective and constitutional policing.

16 Thank you, your Honor.

17 THE COURT: Thank you very much, Ms. Hickey. And
18 thank you to your team for the continued efforts that you
19 have been making.

20 We do -- you are right. It's a marathon, not a
21 sprint, but we can't flag here at mile 5 or 17, or however
22 far we are. We need to keep up the momentum. And that's
23 going to require determination. It's going to require
24 commitment, funding, continued efforts, continued vigilance,
25 and the efforts of everybody on this call.

1 Anything further this afternoon?

2 MS. HICKEY: No, your Honor. Thank you for the
3 opportunity.

4 THE COURT: Thank you very much for your time,
5 everyone.

6 MS. PANNELLA: Thank you, your Honor.

7 SUPERINTENDENT SNELLING: Thank you, Judge.

8 (An adjournment was taken at 2:23 p.m.)

9 * * * * *

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

12 /s/ Frances Ward November 25, 2024.
13 Official Court Reporter
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