

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STATE OF ILLINOIS,

Plaintiff,

v.

CITY OF CHICAGO,

Defendant.

Case No. 17-cv-6260

Hon. Rebecca R. Pallmeyer

**THE COALITION'S MOTION FOR A FAIRNESS HEARING ON THE CONSENT  
DECREE STIPULATION REGARDING INVESTIGATORY STOPS, PROTECTIVE  
PAT DOWNS, AND ENFORCEMENT OF LOITERING ORDINANCES**

The Coalition<sup>1</sup> respectfully requests that this Court conduct a fairness hearing so that it can evaluate whether the Consent Decree Stipulation regarding investigatory stops, protective pat downs, and enforcement of loitering ordinances (“Stipulation”) is fair, reasonable and adequate. In support, the Coalition states as follows:

1. This Court has scheduled an August 9, 2023, virtual “public hearing” on the Stipulation and has invited the community to provide “input” and “public testimony.” (Doc. 1098).

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<sup>1</sup> The Coalition is comprised of the plaintiff organizations from two lawsuits which sought to end CPD’s long-term failure to curtail the widespread violence that police have inflicted on Chicagoans, which especially impacts Black and brown people and people with disabilities. Dkt. 703, ¶ 709(b) (identifying the Coalition founders as the plaintiff organizations in *Campbell v. City of Chicago*, Case No. 17-cv-4467 (N.D. Ill.), which challenged CPD’s pattern of use of force under the Fourth Amendment and racially biased policing, and *Communities United v. City of Chicago*, Case No. 17-cv-7151 (N.D. Ill.), which challenged CPD’s pattern of use of force under the Fourth Amendment and sought to end the impact of police violence on people with disabilities and, in particular, at the intersection of race, national origin and disability). In March 2018, the Coalition, the City, and the OAG entered into a Memorandum of Agreement (MOA). The MOA confirmed that the organizational plaintiffs in both lawsuits had formed a Coalition “committed to monitoring, enforcing, and educating the community about the consent decree” being negotiated by the City and OAG (¶ 1); defined how the *Communities United* plaintiffs and the *Campbell* organizational plaintiffs (“Coalition Founders”) would propose terms for the consent decree as it was being negotiated (¶¶ 2, 6); and promised that the City and OAG would include terms in their decree to make it enforceable by the Coalition (¶¶ 12-13). In exchange, the organizational plaintiffs dismissed their injunctive claims against the City. Both lawsuits ended soon after with settlements that reflected that the organizational plaintiffs, through the Coalition, had the right to enforce the Consent Decree.

The Coalition is deeply grateful for the imperative this Court has placed on community input. However, neither the Coalition nor the public had an opportunity to provide meaningful input on the Stipulation prior to this Court entering it on June 28, 2023. (Doc. 1096). The Stipulation's additional consent decree terms attempt to redress specific policing harm that each year affects thousands of Black and Latino Chicagoans. Yet, these remedies were developed through a process that lacked transparency and excluded the very people the stipulation is meant to protect. A fairness hearing is the only way to ensure meaningful community input on these critically important protections. A fairness hearing—as opposed to a mere public hearing—would require this Court to evaluate public feedback and to determine whether the Stipulation provides adequate protections.

2. The Coalition recognizes that in this litigation, there is no Fed. R. Civ. 23 class. Yet there is significant precedent—including in this very case—for Courts holding fairness hearings on policing reform stipulations and consent decrees absent a class action, when the relief would affect large portions of a community. See *e.g.*, *United States v. City of Chicago*, No. 16 C 1969, 2016 WL 9503795, at \*9 (N.D. Ill. June 8, 2016)(ordering fairness hearing on terms of stipulation concerning national origin discrimination in Chicago Police Department's hiring); *United States v. City of New Orleans*, 947 F. Supp. 2d 601, 611 (E.D. La.), aff'd, 731 F.3d 434 (5th Cir. 2013)( fairness hearing prior to court approval of consent decree regarding the New Orleans Police Department); *United States v. City of Albuquerque*, No. CIV 14-1025 JB/SMV, 2021 WL 5987797, at \*3 (D.N.M. Dec. 16, 2021)( fairness hearing prior to court approval of consent decree regarding the Albuquerque Police Department). As Judge Dow recognized in the order approving the original Consent Decree terms in this case:

When asked to approve a proposed consent decree, the district court must determine whether the “proposed decree is lawful, fair, reasonable, and adequate.” *E.E.O.C. v. Hiram Walker & Sons, Inc.*, 768 F.2d 884, 889 (7th Cir. 1985).

*Illinois v. City of Chicago*, No. 17-CV-6260, 2019 WL 398703, at \*4 (N.D. Ill. Jan. 31, 2019). Prior to entering the proposed Consent Decree, Judge Dow noted that the record included 1,700 written comments developed during the Parties' negotiations, the public testimony of 96 speakers and over 500 written comments filed on this docket. *Id.* Judge Dow incorporated this public feedback into the Court's analysis of the initial Consent Decree. The Stipulation contains significant additions to the existing Consent Decree and should be subject to a similarly open, transparent, and rigorous process.

3. The Chicago Police Department has consistently failed to ensure meaningful community engagement as required by the Consent Decree. The latest Monitor's Report makes clear that these failures persist: "As in the first five reporting periods, we continued to have concerns about the CPD's efforts and approaches to engaging Chicago's communities throughout the sixth reporting period. Since the first reporting period in 2019, we have raised concerns about the CPD's insufficient community engagement during its policy development procedures, as well as its lack of comprehensive and layered community engagement and community policing strategies." Doc. 1097 at p. 12-13. CPD's community engagement failures include the development of this Stipulation. Indeed, the Parties Joint Motion to Approve the Stipulation makes clear that the Parties consulted only with the Monitor prior to requesting that the Court enter the Stipulation. Doc. 1093. Yet, there still remains an opportunity for robust community engagement should this Court agree to hold a fairness hearing and evaluate whether these new Consent Decree terms comply with the requisite legal standard. "In the final analysis, the court must satisfy itself that "the decree is consistent with the Constitution and laws, does not undermine the rightful interests of third parties, and is an appropriate commitment of the court's limited resources." *Illinois* , 2019 WL 398703, at \*4.

For the reasons described more fully above, the Coalition respectfully requests that this Court grant this motion and hold a fairness hearing on the Stipulation.

Respectfully submitted,

By: /s/ Sheila A. Bedi  
One of the Coalition Attorneys

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