

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

STATE OF ILLINOIS,)	
)	Case No. 17-cv-06260
Plaintiff,)	
)	
v.)	Judge Rebecca R. Pallmeyer
)	
CITY OF CHICAGO,)	
)	
Defendant.)	

**COMMUNITIES UNITED PARTIES' POSITION STATEMENT ON
PARTIES' AMENDED STIPULATION REGARDING INVESTIGATORY STOPS,
PROTECTIVE PAT DOWNS, AND ENFORCEMENT OF LOITERING ORDINANCES**

The *Communities United* parties within the Coalition of community and civil rights organizations with enforcement authority under Consent Decree ¶ 709 (Dkt. 703-1)¹ submit this statement on the Parties’ Amended Stipulation Regarding Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances (Dkt. 1096) (“Stipulation”). The *Communities United* parties represent thousands of Chicagoans from all backgrounds and neighborhoods throughout the City, many of whom have been subjected to the Chicago Police Department’s (“CPD”) racist and unconstitutional stop and frisk practices for decades. The Stipulation fails to require necessary changes to end the persistent civil rights violations caused by CPD’s discriminatory investigatory stops and protective pat downs (“stop and frisk”) and Loitering Ordinance enforcement.

On August 1, the Court granted the Coalition’s motion for a fairness hearing (Dkt. 1103) and stated its intention to evaluate whether the Stipulation is “lawful, fair, reasonable, and adequate.” For the reasons discussed below, the *Communities United* parties request that the Court order the City of Chicago and the State of Illinois (“Parties”) to reopen negotiations regarding the Stipulation – this time with *Communities United* and other community members at the table – to include limitations on stops and frisks that will comply with the Constitution and meaningfully advance the Consent Decree’s requirements of impartial policing and community engagement.

I. Background of the Stipulation: The ACLU Stop and Frisk Agreement.

For decades, CPD has over-stopped and frisked Black and Latino Chicagoans. In March 2015, the ACLU of Illinois reported, based on CPD data obtained under the Illinois Freedom of

¹ The *Communities United* Coalition organizations are: ACLU of Illinois; Community Renewal Society; Communities United; ONE Northside; and Next Steps. The *Campbell* Coalition organizations are: Black Lives Matter Chicago; Blocks Together; Brighton Park Neighborhood Council; Westside Branch of the NAACP; Illinois State Conference of the NAACP; Network 49; Women’s All Points Bulletin WAPB; The 411 Movement for Pierre Loury; and Chicago Urban League. Together, we are the “Coalition.” This position statement is filed on behalf of the *Communities United* parties.

Information Act, that “Black Chicagoans were subjected to 72% of all stops yet constitute just 32% of the city’s population.” ACLU of Illinois, [*Stop and Frisk in Chicago*](#), 3 (March 2015).² CPD’s data further showed that CPD made significantly more stops per capita in Black neighborhoods compared to majority white neighborhoods. *Id.* at 9. For nearly half of CPD’s stops and frisks, CPD either recorded an unlawful basis for the stop or failed to record enough information to determine whether the stop complied with the Fourth Amendment. *Id.* at 7-8. CPD kept no data regarding frisks. *Id.* at 14. The ACLU concluded that CPD’s policies and training failed to instruct officers on the law. *See id.* at 18.

In August 2015, the ACLU reached a settlement agreement (“ACLU Agreement”) (attached as Ex. 2) with the City of Chicago and CPD to reform CPD’s stop and frisk policies and training to ensure compliance with the U.S. Constitution’s Fourth Amendment, the Illinois Constitution, and the Illinois Civil Rights Act (“ICRA”), 740 ILCS 23/5(a)(2), which prohibits government policies and practices that have a disparate impact on the basis of race, national origin, and other protected characteristics. The ACLU Agreement required CPD to collect and report comprehensive data regarding all investigatory stops, frisks, and searches. Ex. 2, §1. It required CPD to incorporate into its policies and practices the principle that officers “may not use” protected characteristics such as race or ethnicity “[i]n making routine or spontaneous law enforcement decisions.” *Id.* §II.2. It further required continuous supervisory review and quarterly or semi-annual department-level audits of CPD’s stop and frisk data. *Id.* §II.3. And it required regular data reporting and analysis by an independent expert and a Consultant to determine whether CPD was in compliance with the Fourth Amendment and ICRA. *Id.* §V.

² The public reports referenced herein are authenticated in the attached Declaration of Alexandra K. Block, ¶ 4 (Ex. 1) (“Block Dec.”).

ACLU and CPD retained the Honorable Arlander Keys (Ret.) as the first Consultant, and Judge Keys completed three reports for the periods January-June 2016,³ July-December 2016,⁴ and January-December 2017.⁵ In his third report, Judge Keys concluded that serious deficiencies in CPD's data – and, particularly, CPD's practice of allowing officers to rewrite investigatory stop reports ("ISRs") to change the claimed basis for an officer's decision to stop or frisk someone – prevented an accurate analysis of whether CPD substantially complied with the Fourth Amendment. *See id.* at 26. As a result, the ACLU and CPD agreed on a Temporary Stay of the Review of the Statistically Representative Sample of ISRs (attached as Ex. 3), which suspended the Consultant's Fourth Amendment analysis until CPD could improve its ISR forms, policies and practices. Ex. 3, §2. The Consultant's review of racial and ethnic disparities in CPD's stops and frisks continued. *See* Ex. 3, §14.

Also in 2019, the Parties agreed to the Consent Decree, which carved out the ACLU Agreement, *see* ¶ 712. Because of the overlap between the Consent Decree's impartial policing obligations and the ACLU Agreement, in 2020, Maggie Hickey became the Consultant for the ACLU Agreement, replacing Judge Keys. Margaret A. Hickey, [Consultant Status Report](#), 4 (March 19, 2021) ("2021 Consultant Report").

In 2021 and 2023, Consultant Hickey published reports explaining the steps that her team, the ACLU and CPD were taking under the ACLU Agreement. *Id.*; Margaret A. Hickey, [Consultant Report: Progress Update and Data Analysis of Chicago Police Department Stops between 2018 and 2020](#), 15-16 (June 14, 2023) ("2023 Consultant Report"). First, they began a robust, multi-

³ Hon. Arlander Keys, [Consultant's First Semiannual Report on the Investigatory Stop and Protective Pat Down Agreement for the Period January 1, 2016-June 30, 2016](#) (March 23, 2017).

⁴ Hon. Arlander Keys, [The Consultant's Second Semi-Annual Report, Investigatory Stop & Protective Pat Down Agreement](#) (March 5, 2018).

⁵ Hon. Arlander Keys, [The Third Report Assessing the Chicago Police Department's Compliance with the Investigatory Stop & Protective Pat Down Agreement](#) (Oct. 17, 2019).

tiered community engagement process to advise CPD on its stop and frisk practices. *See* 2021 Consultant Report at 9-10. Community organizations and members received funding to design and co-lead city-wide focus groups, which took place in early 2023. *See* 2023 Consultant Report at 15-16. Ms. Hickey will publish the community recommendations and CPD’s required written response in a future report. *Id.* at 16.

Second, beginning in 2020, the Consultant, ACLU and CPD worked to develop a single “universal” Stop Form (or electronic system) to record all CPD investigatory stops, traffic stops, pat downs and searches. 2021 Consultant Report at 11; 2023 Consultant Report at 17. The form was finalized and agreed to in November 2021.⁶ A single form is important to collect accurate data on how many people CPD stops, frisks and searches, whether there are racial and ethnic disparities, and whether there is a legal basis for those encounters.

Third, the Consultant, CPD and ACLU developed drafts of CPD’s new Fourth Amendment policies. 2021 Consultant Report at 11. In 2020, the Consultant proposed a draft Fourth Amendment policy explaining to officers when and on what basis they are allowed to stop people for investigatory purposes. *Id.* CPD did not accept the Consultant’s recommended policy, and instead developed a new policy suite. *See* 2023 Consultant Report at 16-17. The Consultant and ACLU provided detailed comments on several iterations of those policies in January and December 2022. *Id.* at 17-18.

Fourth, the Consultant and ACLU worked with CPD to develop comprehensive Fourth Amendment training for officers. 2023 Consultant Report at 21-22. CPD first proposed a “Fourth Amendment eLearning” module, which had significant legal deficiencies. *Id.* CPD then discontinued the eLearning, and instead designed a “Constitutional Policing” curriculum with five

⁶ ACLU requested CPD’s agreement to file a copy of the proposed universal stop form as an attachment to this brief. CPD’s counsel did not respond. Block Dec. ¶ 5 (Ex. 1).

modules covering Fourth Amendment subjects. *Id.* at 22. The ACLU and Consultant provided comments on this curriculum in February 2023. *Id.*

Development of CPD's revised stop form, policy, and training materials was in process in early 2023, when CPD informed the ACLU and the Consultant that it planned to terminate the ACLU Agreement to resolve a separate matter, *Smith v. City of Chicago*, No. 15 CV 3467.

The Consultant published her final analysis of CPD's stop and frisk data on June 14, 2023. 2023 Consultant Report at 23 *ff.* That report found that, while CPD's total investigatory stops, frisks and searches declined in 2018-20, significant, unexplained racial and ethnic disparities continued. *Id.* at 24. "Black and Latino people were stopped at far higher rates than White" Chicagoans. *Id.* On average, CPD stopped one in eight Black residents, one in 25 Latino residents, and one in 73 White residents each year. *Id.*

II. The Parties Excluded the Coalition and Other Community Members from the Negotiations on the Stipulation.

Despite the Coalition's express request to be at the table and the ACLU's eight-year history of working with CPD to transform its stop and frisk practices, the Parties refused to allow the Coalition, the ACLU, or directly impacted community members to participate in the negotiations on the Stipulation. The Parties' failure to engage with individuals and groups directly harmed by CPD's discriminatory stop and frisk practices before adding this important subject to the Consent Decree violates the spirit of the community engagement requirements of the Consent Decree (*see, e.g.,* ¶¶ 21-28) and undermines the legitimacy of the Stipulation. The Court should undertake a rigorous evaluation of whether the Stipulation is lawful, fair, reasonable, and adequate, in light of the Parties' closed-door process of negotiating the Stipulation.

III. The Stipulation Omits Key Provisions Needed to Cure ongoing Civil Rights Violations in CPD’s Stop and Frisk Practices.

Because the Parties shut out *Communities United* and other community members’ input, the Stipulation fails to include provisions that would meaningfully change the way CPD treats Black and Latino Chicagoans. Below, we discuss the deficiencies in the Stipulation’s substantive requirements, as well as its lack of accountability and transparency mechanisms.

A. The Limits on Stops and Frisks in Stipulation § XIV.B Are Not Legally Sufficient.

Paragraph 806 of the Stipulation purports to restrict investigatory stops for discriminatory purposes, but the existing language is unlikely to remedy discriminatory CPD practices and, in certain instances, violates existing law and the Consent Decree’s other paragraphs.

1. Paragraph 806(g) Fails to Comport with the Consent Decree and the Equal Protection Clause.

The Equal Protection Clause prohibits policing decisions made on the basis of race, ethnicity, or other protected characteristics (unless part of a specific description of a person). Police action is unconstitutional if “a discriminatory purpose has been *a motivating factor*”; a plaintiff need not show that a discriminatory purpose was the “dominant” or “primary” factor. *Floyd v. City of New York*, 959 F. Supp. 2d 540, 571 (S.D.N.Y. 2013), citing *Vill. of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 265 (1977) (finding New York City’s stop and frisk program was unconstitutional racial profiling) (emphasis added). But Stipulation ¶ 806(g) prohibits officers only from “[c]onducting investigatory stops and protective pat downs *solely* on the basis” of an individual’s protected characteristics (emphasis added). This language permits CPD to make unconstitutional stops and frisks that are motivated – even in part – by a person’s race or ethnicity. To ensure that CPD complies with the Equal Protection Clause, the word “solely” must be removed from ¶ 806(g).

Additionally, Consent Decree ¶ 55 prohibits officers from “using” protected characteristics “when making routine or spontaneous law enforcement decisions,”⁷ and ¶ 56 prohibits officers from using “substitutes or stereotypes” as stand-ins for protected characteristics. By limiting its application only to stops and frisks “solely” on the basis of protected characteristics, Stipulation ¶ 806(g) violates the broader protections enshrined in ¶¶ 55-56.

2. The Rest of Paragraph 806 Fails to Meaningfully Curb CPD’s Abusive Stop and Frisk Practices.

The limitations in ¶ 806(c)-(f) and (i)-(j) provide free reign to CPD to continue its harmful and racist patterns of stops and frisks. The Parties must remove “solely” from ¶¶ 806(d)-(f) and (i)-(j). Prohibiting officers from relying “solely” on an individual’s presence in a so-called high-crime location (¶ 806(d)), attempt to avoid police (¶ 806(e)), “presence in the company of others suspected of criminal activity” (¶ 806(f)), the odor of cannabis (¶ 806(i)), or “officer safety” (¶ 806(j)), allows officers to rely on two or more of these factors together to justify unlawful stops and frisks. Considering the “solely” limitation in ¶ 806(g), the Stipulation allows a CPD officer to stop someone because of a person’s race *and* presence in a high-crime area, or race *and* avoidance of police. Or an officer could justify a frisk by claiming a need to protect “officer safety” in a so-called high-crime area. History shows that CPD uses these amorphous factors based on racialized stereotypes to disproportionately stop and frisk Black and Latino people in under-resourced neighborhoods on the South and West sides. *See e.g., City of Chicago v. Morales*, 527 U.S. 41 (1999); *Nelson v. City of Chicago*, 83-C-1168 (N.D. Ill.).

⁷ Consent Decree ¶ 55 is almost identical Section II.2 of the ACLU Agreement (Ex. 2), which governed the City and CPD’s behavior throughout the period September 2015-June 2023.

Paragraph 806 sets a floor that will be difficult for the Monitor, the *Communities United* parties, or other community members to convince CPD to exceed when CPD issues new Fourth Amendment policies implementing the Stipulation's terms. The inevitable result will be CPD's continued harassment of primarily young Black and Latino men – rather than a decrease in such abuse, which should be the Stipulation's goal.

In addition, ¶ 806(c) prohibits officers only from “[r]elying on information known to the officer at the time to be materially false...” but it fails to prohibit officers from relying on sources known to be unreliable or to have previously provided incorrect information. It also fails to prohibit reliance on uncorroborated anonymous tips. *See Florida v. J.L.*, 529 U.S. 266, 274 (2000) (officers may rely on anonymous tips only if corroborated and verified with evidence from other sources). These deficiencies must be corrected.

Finally, ¶ 806 fails to prohibit officers from relying on other factors that courts have found insufficient to justify stops and frisks, and/or that should be prohibited because they lead to racially biased and illegitimate police encounters, including but not limited to:

- *“Furtive gestures” or “body movements that create suspicion”* (vague phrases that CPD previously agreed, at ACLU's request, to delete from its Constitutional Policing training).
- *Nervous or evasive behavior* (*See United States v. Williams*, 731 F.3d 678, 687 (7th Cir. 2013) (“Most people, when confronted by a police officer, are likely to act nervous, avoid eye contact, and even potentially shift their bodies as if to move away from the area, thus making such behaviors of very little import to a reasonable suspicion determination.”) (holding that nervousness – alone or in conjunction with presence in “a high-crime area” – did not support a patdown)).
- *An individual's past criminal activity or criminal history* (*see* Consent Decree ¶ 53, prohibiting routine or spontaneous policing decisions based on these factors unless they are part of a suspect's description).
- *Time of day or night* (*See United States v. Brewer*, 561 F.3d 676, 679 (7th Cir. 2009) (mentioning time of day only in connection with other factors that created reasonable articulable suspicion for an investigatory stop)).

- *An officer's "training and experience"* (a vague factor that does not reflect that CPD's Fourth Amendment training has been and continues to be insufficient).
- B. Stipulation § XIV.A Should Require CPD to Reduce the Number of, and Racial/Ethnic Disparities in, Stops and Frisks.**

In 2014, prior to the ACLU Agreement, CPD conducted over 700,000 investigatory stops. Alex Chohlas-Wood et al., *Identifying and Measuring Excessive and Discriminatory Policing*, 89 Univ. of Chicago L. Rev. 441, 471 (2002). By 2022, that number fell to about 69,000 stops. Chicago Police Department, 2022 ISR data, available at: <https://home.chicagopolice.org/statistics-data/isr-data/> (last visited Aug. 3, 2023). This very substantial reduction means that hundreds of thousands of people – primarily young Black men – were not racially profiled, harassed, interrogated, or brutalized by CPD officers. Stipulation § XIV.A. fails to build on this progress made under the ACLU Agreement. To be effective, the Stipulation must require CPD to conduct a cost/benefit analysis of whether its stop and frisk practices are achieving a public safety benefit, and to reduce or eliminate stop and frisk policing if CPD cannot demonstrate a tangible benefit.⁸

The Stipulation also fails to require CPD to analyze the reasons for the ongoing racial and ethnic disparities in whom officers stop, frisk, and search. As the 2023 Consultant Report stated (at 5 n.8), CPD has never articulated “a policy objective or crime strategy” that would justify the “observed disparities between racial/ethnic groups.” That report found that in 2018-2020, CPD was nine times more likely to stop Black people than white people, and three times as likely to stop Latino people compared to white people. *Id.* at 5. Black and Latino people also suffered disproportionate numbers of frisks and searches, even though CPD officers were more likely to find contraband when frisking and searching white people – indicating that officers wrongly

⁸ Academic research demonstrates that stop and frisk had only a minimal effect on the rate of homicides and shootings in Chicago during the period 2004-2018. See Wesley G. Skogan, *Stop & Frisk and the Politics of Crime in Chicago*, 206-08 (2022).

stereotype Black and Latino people as more suspicious. *Id.* at 24. From 2018-2020, only 1.3% of investigatory stops resulted in officers finding a gun. Less than 3% of searches and less than 2% of pat downs resulted in discovery of a gun. *Id.* at 6. In short, CPD's stop and frisk policing has been a high-volume, low-yield strategy that disproportionately targets Black and Latino Chicagoans without any justification for the severe racial and ethnic disparities. Worse, CPD has not decreased the racial and ethnic disparities since 2015. The Stipulation should require CPD to identify the public safety goals of its stop and frisk program and analyze whether it is achieving those goals, and, if so, whether the achievement of such goals outweighs the tremendous damage that stop and frisk policing inflicts on Black and Latino Chicagoans.

IV. The Stipulation Discards Changes to Policies, Training and Recordkeeping Negotiated Under the ACLU Agreement, Rolling Back Crucial Reforms.

As detailed in Section I above and in the 2021 and 2023 Consultant Reports, the Consultant, CPD and the ACLU made significant progress on comprehensive revisions to CPD's Fourth Amendment policies and training and developing a universal Stop Form. The Stipulation (¶¶ 867-72) disregards this years-long progress and allows CPD to go back to the drawing board to propose entirely new Fourth Amendment policies, training, and recordkeeping systems – without any enforceable deadlines. The Parties toss aside three years of work under the ACLU Agreement, instead permitting CPD to indefinitely delay critical reforms.

The Stipulation should: memorialize CPD's previous commitment to using the universal Stop Form; require CPD to use the draft Fourth Amendment policies under the ACLU Agreement as a starting point, including the adoption of changes recommended by the Consultant and ACLU;

and require CPD to adopt the changes to its Constitutional Policing curriculum recommended by the Consultant and ACLU.⁹

V. The Stipulation Fails to Ensure Accountability for Officers Who Violate CPD Policies and Constitutional Rights.

The Stipulation’s accountability measures fall short in a number of ways. First, in a glaring omission, the Stipulation does not clearly state that officers who violate community members’ legal rights or CPD policies relating to stops and frisks will be subject to discipline. For example, Stipulation ¶ 841 requires CPD to develop a “system to track and document which CPD officers have repeated rejected ISRs or Stop Reports,” but does not prescribe any consequences or corrective action for those officers. Stipulation ¶ 841 also fails to specifically require tracking and discipline of officers whose stops and frisks exhibit racial/ethnic profiling or other law enforcement actions taken on the basis of protected characteristics. The Stipulation must include clear measures for accountability and progressive discipline against officers who violate individuals’ Fourth and Fourteenth Amendment rights, ICRA, and/or CPD policies.

Second, Stipulation ¶ 818 allows officers to submit “one revised version” of an ISR. The Consultant found that allowing officers to change the reason provided in an ISR for a stop or frisk *even once* made it extremely challenging to determine whether officers were complying with the Fourth Amendment. Allowing changes to ISRs permits officers to cover up unconstitutional stops, frisks and searches by changing the documented rationale after the fact. The Stipulation should prohibit officers from making any substantive revisions once an ISR is completed.

Alternatively, if officers are permitted to revise their ISRs, the Stipulation’s procedures for supervisory review (¶¶ 828-832) should be amended to prohibit supervisors from rejecting an ISR

⁹ As stated in the Block Dec. ¶ 5 (Ex. 1), ACLU requested CPD’s permission to attach the draft policies and forms to this filing, but CPD’s counsel did not respond.

for any reason other than a ministerial error (e.g., typos). As explained in the 2023 Consultant Report at 18, CPD policy currently has three types of supervisory rejections: “Administrative Rejection” for reports with ministerial errors; “Deficiency Rejection” for reports with substantive errors including failure to include sufficient information to show reasonable articulable suspicion for a stop or frisk; and “Send to Integrity Unit” for forms that have improper justification or when the ISR was generated in error. The Stipulation should require CPD to cease using the “Deficiency Rejection” category and sending deficient ISRs back to officers to be changed. If an officer fails to show that a stop or a frisk was supported by reasonable articulable suspicion that the individual was engaged in criminal activity, the form should immediately be sent for integrity review and consideration of discipline.

Third, despite the clear provisions of the Illinois Law Enforcement Officer-Worn Body Camera Act, 50 ILCS 706/10-1 *et seq.*, and Consent Decree ¶ 237, the Stipulation (¶ 805(b)(iv)) fails to require all CPD officers conducting stops, frisks and searches to be equipped with functioning body-worn cameras (“BWC”) and record the *entire* stop and (if applicable) pat-down. The Stipulation must require officers to wear and activate their BWC throughout each stop and frisk encounter. And while Stipulation ¶ 829 requires supervisors to review each ISR, it fails to require supervisors to review the BWC footage to determine if the ISR accurately and honestly depicts the circumstances reported. The Stipulation should require supervisors to review BWC footage along with their review of each ISR. At the very least, supervisors should review BWC footage when they reject an ISR as deficient. (Stipulation ¶ 859 currently requires supervisory review of BWC footage only after an officer submits five deficient stop reports within 90-days).

VI. Independent Data Analysis of CPD's Stop and Frisk Must Continue with Deadlines and CPD Must Make Changes to Address Racial and Ethnic Disparities

As explained above, for eight years under the ACLU agreement, the Consultant's independent expert analyzed CPD's stop and frisk data for public reporting. Despite CPD collecting and sharing this data for eight years, Stipulation ¶¶ 835-37 requires CPD to prepare a new "data plan" for investigatory stop and loitering enforcement. This permits CPD to have an excuse for further delays and non-compliance with the law. Consent Decree ¶¶ 606-09 already required CPD to develop a comprehensive "data plan" by 2020, and three years later, CPD has not done it. *See* Dkt. 1097 at 21, 129. Requiring CPD to undertake a similar assessment but only for investigatory stop data is likely to be futile.

Stipulation ¶ 843 includes methodology to analyze CPD's stop and frisk and Loitering Ordinance data collected for the period 2021-2024. The Independent Monitoring Team ("IMT") is to report the 2021-2024 analysis with an independent expert. The Stipulation must include a deadline for the IMT to publish its report, so the public receives timely and accurate information about whether CPD is complying with the Fourth Amendment and ICRA.

After 2024, the Stipulation requires CPD to conduct its own data analysis, but CPD should not be allowed to monitor itself. CPD has an inherent conflict of interest and has demonstrated it is incapable of conducting adequate data analysis. For example, since 2020, Consent Decree ¶ 79 has required CPD to report annually on misdemeanor arrests and administrative notices of violation, including the race and gender of the person involved. Three years later, CPD has never done it. *See* Dkt. 1097 at 4; 297-8. Going forward, IMT must publish the annual stop and frisk data analysis with outside experts, or the City's Office of Inspector General ("OIG") should do so.

Compounding CPD's proven inability to analyze its own data, the Stipulation fails to include the methodology that CPD must use or the goals of the analysis. The Stipulation should

incorporate the Consultant's current methodology, as well as deadlines to publish the annual report. Most importantly, the Stipulation must state that the IMT or other entity charged with analyzing CPD's data conduct a yearly analysis of whether CPD has substantially complied with the Fourth Amendment and ICRA. And to complete a valid analysis under ICRA, CPD must identify the community safety purpose(s) that allegedly justifies its stop and frisk practices for each reportable year, including whether the purpose has changed from the prior year, so the analysis can determine whether CPD's practices are necessary to achieve the identified goal.

Finally, Stipulation ¶¶ 850-51 should *require* CPD to address and correct any documented racial and ethnic disparities that violate ICRA, not merely "assess whether to implement any revision to policies, procedures, or training" to correct such disparities.

VII. CPD's Review and Audit of Stop and Frisk Data Must Be Robust and Staffed

CPD's Tactical Review and Evaluation Division's ("TRED") Fourth Amendment Stop Review Unit was required to audit a 15% daily sample of ISRs as a statistically relevant sample under the ACLU Agreement. *See* Ex. 2, § 3(b); Stipulation ¶ 855. As of June 11, 2023, TRED had a backlog of 25,886 ISRs to review. 2023 Consultant Report at 21. The Stipulation (¶¶ 854, 857) permits TRED to audit only 5% of the backlog and fails to specify the threshold for "a representative sample" going forward. Worse, Stipulation ¶ 853 does not commit CPD to providing the Fourth Amendment Stop Review Unit with any specific level of staffing or resources, nor does it impose any consequences on CPD for untimely audits.

Stipulation ¶ 860 does add to the Fourth Amendment Stop Review Unit's responsibilities a semi-annual report regarding rejected ISRs, which is welcome, but it fails to require that CPD publish such reports and, again, does not require CPD to commit specific resources to this task. Without significantly enhanced requirements and resources, the Fourth Amendment Stop Review

Unit's work is unlikely to create the needed accountability and transparency regarding CPD's future stop and frisk practices.

VIII. The Stipulation Fails To Require Meaningful Community Engagement

The Consent Decree requires CPD to ensure that the public has “a meaningful opportunity” to engage with CPD on “material changes” and “material requirements” of the Decree (§ 633). The Stipulation jettisons the robust community engagement process developed under the ACLU Agreement, described in Section I, leaving in place only a watered-down obligation to “seek input” on CPD's Fourth Amendment and Loitering Ordinance policies (§ 864). Having co-developed the robust community engagement process, the Stipulation should CPD require to use it for the required biennial policy review going forward.

IX. Conclusion

The Parties filed the Stipulation without community involvement in the negotiations and without building on the years of progress made under the ACLU Agreement. Its weak limitations on stop and frisk, lack of guardrails, and inadequate accountability and transparency measures all but ensure that CPD's years-long pattern of racist and unconstitutional stop and frisk policing will continue. The Court should require the Parties to renegotiate the Stipulation with the *Communities United* parties and other community representatives at the table, to remedy the deficiencies listed above.

DATED: August 3, 2023

Respectfully Submitted,

/s/ Alexandra K. Block

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Exhibit 1

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

STATE OF ILLINOIS,)	
)	Case No. 17-cv-06260
Plaintiff,)	
)	
v.)	Judge Rebecca R. Pallmeyer
)	
CITY OF CHICAGO,)	
)	
Defendant.)	

DECLARATION OF ALEXANDRA K. BLOCK

I, Alexandra K. Block, under penalty of perjury pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at the Roger Baldwin Foundation of ACLU, Inc.
2. I am one of the lawyers representing the *Communities United* parties of the Coalition under the Consent Decree in the above-referenced matter. I also represent the ACLU of Illinois in connection with its Investigatory Stop and Protective Pat Down Settlement Agreement with the Chicago Police Department and the City of Chicago (“ACLU Agreement”).
3. I submit this Declaration in support of the Communities United Parties’ Position Statement on the Parties’ Amended Stipulation Regarding Investigatory Stops, Protective Pat Downs, and Enforcement of Loitering Ordinances (“CU’s Position Statement”).
4. True and correct copies of the following public documents cited in CU’s Position Statement are available on the website maintained by the ACLU of Illinois at the hyperlinked website addresses herein. Document (4)(a) was prepared by personnel at the ACLU of Illinois and posted to its public website by personnel at the ACLU of Illinois. Documents (4)(b)-(f) were prepared by the Consultants under the ACLU Agreement and provided to counsel for the ACLU of Illinois, which caused its personnel to post them without alteration on its website.

- a. ACLU of Illinois, [Stop and Frisk in Chicago](#) (March 2015).
 - b. Hon. Arlander Keys, [Consultant's First Semiannual Report on the Investigatory Stop and Protective Pat Down Agreement for the Period January 1, 2016-June 30, 2016](#) (March 23, 2017).
 - c. Hon. Arlander Keys, [The Consultant's Second Semi-Annual Report, Investigatory Stop & Protective Pat Down Agreement](#) (March 5, 2018).
 - d. Hon. Arlander Keys, [The Third Report Assessing the Chicago Police Department's Compliance with the Investigatory Stop & Protective Pat Down Agreement](#) (Oct. 17, 2019).
 - e. Margaret A. Hickey, [Consultant Status Report](#) (March 19, 2021).
 - f. Margaret A. Hickey, [Consultant Report: Progress Update and Data Analysis of Chicago Police Department Stops between 2018 and 2020](#) (June 14, 2023).
5. Section III of the ACLU Agreement (Ex. 2 to CU's Position Statement) contains

an "attorneys eyes only" confidentiality agreement prohibiting ACLU from disclosing, among other things, draft Chicago Police Department ("CPD") policies developed under the ACLU Agreement. On August 2, 2023, I emailed counsel for CPD, Allan Slagel, Esq., and requested CPD's agreement to: (a) share CPD's draft Fourth Amendment policies and Stop Form developed in connection with the ACLU Agreement with other counsel for the Coalition; and (b) file the same documents with the Court as attachments to CU's Position Statement. To date, Mr. Slagel has not responded to the email.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2023

/s/ Alexandra K. Block
Alexandra K. Block

Exhibit 2

INVESTIGATORY STOP AND PROTECTIVE PAT DOWN SETTLEMENT AGREEMENT

WHEREAS, in April 2014, the Chicago Police Department (“CPD”) issued revised General Orders and directives to ensure that its policies and practices relating to investigatory stops and protective pat downs comply with applicable law, including the United States and Illinois Constitutions and the Illinois Civil Rights Act (“ICRA”). In connection with that effort, and prior to finalizing the revised General Orders and directives, CPD provided such orders and directives to the American Civil Liberties Union of Illinois (“ACLU”) for their review and comment.

WHEREAS, in early 2015, CPD commenced a further review of its policies and practices relating to investigatory stops and protective pat downs. In March 2015, while CPD’s review was pending, the ACLU issued a report entitled “Stop and Frisk in Chicago” that raised concerns about CPD’s policies and practices. On May 30, 2015, Senate Bill 1304 passed both houses of the Illinois General Assembly. If signed by the Governor, Senate Bill 1304 will impose new documentation requirements relating to investigatory stops and/or protective pat downs.

WHEREAS, pursuant to CPD’s continuing evaluation of its policies and practices relating to investigatory stops and protective pat downs, and in response to the ACLU report and Senate Bill 1304, CPD is in the process of further revising its policies and practices. CPD intends to have the revised policies and practices finalized and implemented on or before December 31, 2015, and to complete its training of its officers and supervisors with respect to the revised policies and practices on or before March 1, 2016.

WHEREAS, CPD believes that its policies and practices relating to investigatory stops and protective pat downs have been and will continue to be fully compliant with all applicable laws. Nevertheless, the ACLU has raised concerns about CPD’s policies and practices and has informed the City of Chicago of its intention to file a lawsuit challenging them.

WHEREAS, to avoid the burden, inconvenience, and expense of litigation, the City of

Chicago, CPD, and the ACLU (“the parties”) have agreed to work together to ensure and validate that CPD’s policies and practices relating to investigatory stops and protective pat downs fully comply with applicable law.

Accordingly, the parties agree as follows:

I. Data Collection

1. CPD will document all investigatory stops and all protective pat downs, including those that lead to an arrest, an Administrative Notice of Violation (“ANOV”), or other enforcement action, into an electronic digitized database. CPD’s current database documents all investigatory stops and protective pat downs that do not lead to either an arrest or an ANOV. As soon as reasonably possible thereafter, the database will be modified to also include investigatory stops and protective pat downs that lead to an arrest or an ANOV. For each investigatory stop and/or protective pat down, the electronic digitized database shall include:

a) the name and badge number of the officers who conducted the investigatory stop and/or protective pat down;

b) the race/ethnicity of the person stopped, selected from the following list:
American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino,
Native Hawaiian or Other Pacific Islander, or White;

c) the gender of the person stopped;

d) all of the reasons for the stop;

e) the location of the stop, including the address, beat, and district;

f) the date and time of the stop;

g) whether or not a protective pat down was conducted of the person, and if so, all of the reasons that led to the protective pat down and whether it was with consent or by other means;

h) whether or not contraband was found during the protective pat down, and if so,

the type and amount of contraband seized;

i) whether or not a search beyond a protective pat down was conducted of the person or his or her effects, and if so, all the reasons that led to the search, and whether it was with consent or by other means;

j) whether or not contraband was found during any search beyond a protective pat down, and if so, the type and amount of the contraband seized;

k) the disposition of the stop, such as a warning, an ANOV, or an arrest; and

l) if an enforcement action was taken (i.e., an arrest or ANOV), a record of the violations, offenses, or crimes alleged or charged.

II. Training and Supervision

1. CPD will provide training for officers and supervisors directed at ensuring that investigatory stops are conducted only where there is reasonable suspicion of criminal conduct and that protective pat downs are performed only where there is reasonable suspicion that the person stopped is armed and dangerous. Further, CPD shall train officers with respect to the electronic digitized database and their responsibilities to record all the relevant information for each investigatory stop and protective pat down. Where appropriate, new or revised General Orders and/or other directives will be issued by the CPD. CPD expects to issue such new or revised General Orders and/or other directives by December 31, 2015, and to complete the training of its officers and supervisors with respect to such General Orders and/or other directives, by March 1, 2016.

2. CPD will implement training policies and practices to ensure that investigatory stops and protective pat downs are conducted consistent with the following guidance provided by the U.S.

Department of Justice:

In making routine or spontaneous law enforcement decisions, such as ordinary sidewalk and traffic stops, Chicago Police Department officers may not use race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, marital status, parental status, or military discharge status, except that officers may rely on the listed characteristics in a specific suspect description.

3. By January 1, 2016, CPD shall establish and enforce policies providing for continuous district-level supervisory review and quarterly or semi-annual department-level audits of CPD's investigatory stop and protective pat down practices. The CPD shall provide these policies and procedures to the Consultant (identified in Section V.1, below) and the ACLU for their review and comment, prior to their finalization. These policies and procedures shall include:

a) Continuous review by police district supervisors of all individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or any protective pat down.

b) Quarterly or semi-annual audits by CPD headquarters staff of CPD investigatory stop and protective pat down practices. These audits shall include examination of: (i) the narrative sections of a statistically representative sample of individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or protective pat down; (ii) records of supervisory corrections or rejections of Investigatory Stop Reports to identify officers who repeatedly fail to document investigatory stops and/or protective pat downs, or who conduct investigatory stops and/or protective pat downs without the requisite reasonable suspicion; and (iii) CPD documentation of civilian and internal complaints relating to investigatory stops and/or protective pat downs.

c) The establishment of re-training, enhanced supervision, or discipline of officers who engage in unlawful investigatory stops and/or protective pat downs or who violate CPD policies or procedures governing these practices. There shall be written documentation of all such re-training, enhanced supervision, or discipline.

III. Release of Data and Documents

1. Within 10 days of the execution of this agreement, all of the digitized information in CPD's electronic digitized database, including but not limited to the enumerated fields in Section I.1, shall be provided to the Consultant and the ACLU. Thereafter, the data shall be provided to the Consultant and the ACLU on a monthly basis on the first of the month. This information, and the information described in paragraphs 4 through 6 below, shall be kept confidential by the Consultant, the ACLU, and the persons identified in Section III.3 on an "attorneys eyes only" basis and shall not be disclosed by the Consultant, the ACLU, or the persons identified in Section III.3 for any purpose whatsoever other than to the extent the information is included in the Consultant's Reports and Recommendations described in Section V.2(f) below.

2. This agreement does not in any way limit the ACLU's rights under the Illinois Freedom of Information Act (FOIA). Moreover, if the ACLU receives information under this agreement that the ACLU believes it would be entitled to obtain under FOIA, the parties will work in good faith to seek agreement about whether that information would in fact be subject to release under FOIA. If the parties reach agreement, the confidentiality provision set forth in III.1 shall not apply. Any dispute about whether information disclosed pursuant to this agreement would be subject to release under FOIA shall be resolved by the Consultant.

3. Under the "attorneys eyes only" restrictions, the Consultant and ACLU may only allow the following categories of people to review the information: (1) counsel for the ACLU and employees of counsel who have responsibility for the execution of this agreement; (2) contractors specifically engaged for the limited purpose of making copies of documents or organizing or processing documents, including outside vendors hired to process electronically stored documents; (3) consultants or experts provided for in Section V.3 (the Consultant's experts); (4) consultants or experts employed by the ACLU to assist in the execution of this agreement, and (5) other persons only by written consent of the City. Prior to sharing the information with any outside consultants, experts, or others, the ACLU and/or the Consultant will obtain from that individual a signed agreement to abide by the confidentiality provisions set forth herein. The

ACLU and/or the Consultant will promptly provide the City with a copy of all such agreements.

4. CPD shall provide the Consultant and the ACLU all current and future training, policy materials, and supervisory materials described in Section II.

5. CPD shall provide the Consultant and the ACLU the quarterly or semi-annual audits conducted by CPD headquarters staff of CPD's investigatory stop and protective pat down practices described in Section II.

6. CPD shall provide the Consultant and the ACLU with all additional documents necessary to conduct an independent analysis and review of CPD's investigatory stop and protective pat down practices.

7. Absent the permission of the subject of the stop, the Consultant will redact all personal identifying information about the subject of stops from the Consultant's Reports and Recommendations. The redacted information shall be kept confidential consistent with Section III.1, above.

IV. Compliance with the United States and Illinois Constitutions and ICRA

1. CPD shall conduct investigatory stops and protective pat downs in compliance with the United States Constitution, the Illinois Constitution, and ICRA.

2. CPD shall be in substantial compliance with this agreement if any violations of its requirements are neither systemic nor serious. If a serious violation occurs, CPD shall be in substantial compliance if it promptly identifies the violation and develops and implements a timely and appropriate remedy that results in compliance.

3. After reviewing the data for the six-month period commencing January 1, 2016 and ending June 30, 2016, the ACLU and the City will work together to seek agreement on standards for substantial compliance with ICRA. If the ACLU and the City cannot agree, the Consultant will review the data and determine such standards after considering the respective views and submissions of the parties.

V. The Consultant

1. The Parties have jointly selected retired Judge Arlander Keys to serve as the Consultant of this agreement.

2. The duties of the Consultant are to:

a) Review and validate CPD's policies, practices, and orders regarding investigatory stops and protective pat downs, including but not limited to, CPD's training regarding investigatory stops and protective pat downs, CPD's method of supervisory review of investigatory stops and protective pat downs, and CPD's method of auditing investigatory stops and protective pat downs.

b) Recommend to the parties changes to CPD's policies, practices, and orders regarding investigatory stops and protective pat downs that are reasonable and necessary to comply with the law, including the United States Constitution, the Illinois Constitution, and ICRA. The Consultant shall consult with the parties before making such recommendations.

c) Review any other documents the Consultant determines are necessary to assess CPD's investigatory stops and protective pat downs, including but not limited to civilian complaints and disciplinary files regarding investigatory stops and protective pat downs (subject to any limitations contained in federal and state law and collective bargaining agreements).

d) On a semi-annual basis, commencing with the six month period starting January 1, 2016 and ending June 30, 2016, identify to the parties and review a statistically representative sample of Investigatory Stop Reports and assess whether the narratives state sufficient facts to establish the requisite reasonable suspicion for the investigatory stop and for any protective pat down.

e) On a semi-annual basis, commencing with the six month period starting January 1, 2016 and ending June 30, 2016, review aggregate Investigatory Stop Report data to determine whether the standards for substantial compliance set forth in Section IV.2 have been met.

f) On a semi-annual basis, commencing with the six month period starting January 1, 2016 and ending June 30, 2016, provide to the parties a written Report and Recommendations based on his or her review of the above materials. These Reports and Recommendations will include an assessment

of whether the CPD is in substantial compliance with this agreement. The Reports and Recommendations will also identify any further practices, policies and other measures that the Consultant recommends are needed to ensure that CPD investigatory stop and protective pat down practices and policies are in compliance with the United States Constitution, the Illinois Constitution, ICRA, and this agreement. The parties will have 30 days to serve each other and the Consultant with objections to each Report and Recommendations. The Consultant will then have 30 days to make any revisions to the Report and Recommendations before making it public.

3. The Consultant may seek the advice and assistance of police practices and statistical experts in formulating the Reports and Recommendations. The City shall compensate the Consultant and any experts he or she shall retain for their professional services and reasonable expenses. Any experts utilized by the Consultant will be subject to the confidentiality provisions set forth in Section III.1.

VI. Other Terms

1. The parties acknowledge that this agreement is not an admission of liability on the part of the City and/or the City's future, current, or former officers, agents, and employees, and shall not serve as evidence of the validity or invalidity of any claims that have been or might be brought in litigation against the City and/or the City's future, current, or former officers, agents, and employees.

2. In consideration of this agreement, the ACLU agrees not to either file as a party or join as a party any lawsuit challenging CPD's policies or practices relating to investigatory stops and/or protective pat downs while this agreement remains in effect.

3. This Agreement shall remain in effect until June 30, 2017, upon a finding by the Consultant of substantial compliance as defined in Sections IV.2 and .3 for one year preceding that date. If the Consultant finds at that time that CPD has not been in substantial compliance, this agreement shall be extended until the Consultant finds that CPD has been in substantial compliance with this agreement for one year. Any party may terminate this agreement at any time.

4. Any dispute as to the meaning or interpretation of this agreement will be resolved first by the Consultant. If, after an interpretation by the Consultant, either party wishes, they also may seek interpretation in the Circuit Court of Cook County.

5. This agreement contains the entire agreement between the parties and the parties mutually agree that this agreement shall be binding upon and inure to the benefit of the parties, due consideration having been given and may be enforced like any other contract. The parties agree that in the event of a breach of this agreement, there will be no adequate remedy at law and that this agreement may be enforced through a suit for specific performance.

6. The person signing the agreement represents and warrants that he or she is authorized to sign on behalf of the party for which he or she is signing and that the agreement as signed is binding on that party.



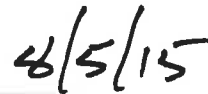
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Date



Garry F. McCarthy
Superintendent
Chicago Police Department
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Date



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121 North LaSalle Street, Suite 600
Chicago, Illinois 60602



Date

Exhibit 3

Temporary Stay of the Review of the Statistically Representative Sample of ISRs (Section V(d-f) of the Agreement)

1. The Consultant's report on his review of 2017 Chicago Police Department ("CPD" or "Department") Investigatory Stop Report ("ISR") data identifies concerns with data collection and supervision which he believed made an accurate assessment of Fourth amendment compliance, as required by the Agreement, impracticable. Certain data and supervision processes related to the Consultant's concerns have not changed since 2017. The parties agree that the Consultant will not review a statistically significant sample of ISRs for 2018 and 2019 for Fourth Amendment compliance. Nothing in this agreement constitutes an admission by the City or CPD of noncompliance with the Investigatory Stop and Protective Pat Down Settlement Agreement dated August 6, 2015 ("2015 Agreement"), nor any agreement on their part with the specific findings of the Consultant. However, in the interest of accomplishing the goals of the Agreement, the parties have agreed to the following actions.
2. The parties agree to place a stay on the review of a statistically significant sample of ISRs (Section V(d-f) of the Agreement) while the Department undertakes review of and assesses any changes to its systems of data collection, supervision, and auditing (collectively, the "investigatory stop system"), as described in Appendix A. This stay does not otherwise alter the terms of the 2015 Agreement.
3. During this stay, the role of the Consultant will be limited to assisting the CPD in identifying improvements to the investigatory stop system, as described in Appendix A, and monitoring the implementation of the Department's implementation plan, as described below and in Appendix A.
4. As described in Appendix A, by January 1, 2020, the Department will identify improvements to the investigatory stop system through a process of research, focus groups, and consultation with the ACLU, the Consultant, and the Consultant's independent police practices expert.
5. The police practices expert will provide consultation with sufficient time for the Department to create the implementation plan described below and in Appendix A. If the police practices expert raises questions or concerns about the investigatory stop system, or makes recommendations to improve the system, the Department will share information with the expert in response and/or incorporate the expert's recommended changes into the implementation plan.
6. By March 1, 2020, the Department will develop a project management plan, in consultation with the ACLU, the Consultant, and the Consultant's police practices expert, to implement improvements they have jointly identified ("project management plan" or "implementation plan"), to be completed by June 1, 2020.

7. From September 16, 2019 through June 1, 2020, the City and Department will have bi-weekly calls with the Consultant, the police practices expert, and the ACLU to provide updates on the progress of the items addressed above and in Appendix A.
8. By June 15, 2020, the Consultant will publish a public report describing the progress of the items discussed above and in Appendix A and CPD's implementation of the project management plan.
9. The Consultant's review of a statistically significant sample of ISRs as described in Section V(d-f) will resume with a review of the data collected between June 1, 2020 and December 31, 2020. The parties and Consultant will confer and jointly determine an appropriate and timely date on which the Consultant's reporting pursuant to the 2015 Agreement will resume.

Fourth Amendment Review of 2018-2019 Data

10. The Consultant's statistical expert shall receive and conduct a preliminary review of the data for 2018 and 2019. The expert will advise on whether and, if applicable, when it is appropriate to publish limited statistical analyses for the purpose of assessing Fourth Amendment compliance and disparate impact. When publishing the report described in Par. 8 above, the Consultant may include these simple statistical analyses.

Prospective Fourth Amendment Review

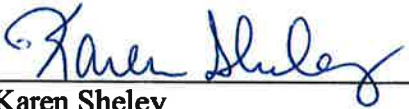
11. By July 1, 2020, the City, ACLU, and Consultant will confer about the Consultant's methodology for conducting Fourth Amendment compliance assessments. If the Department continues the use of multi-version ISRs, the methodology will include a review of the use of multi-version ISRs, including supervisors' documentation of rejections and corrections.
12. If the Department continues the use of multi-version ISRs, an expert will review and provide advice on which ISR versions the Consultant should review and under what circumstances (e.g., whether the Consultant should review only the first version or final versions of the ISRs) in assessing Fourth Amendment compliance within a statistically significant sample of ISRs. If the expert advises that the Consultant should review only the first version, the parties do not object to that review.
13. If the Department continues the use of multi-version ISRs, the Department will create an explanation of the appropriate employment and purposes of the multi-version forms and make it available to officers, supervisors, auditors, and others who receive or are entitled to receive the forms.

Disparate Impact Compliance Methodology

14. For the purposes of negotiating agreement under Section IV.3 of the Agreement, the City agrees that the Consultant may (1) assume, solely for purposes of determining CPD's

legal compliance under the Agreement, that a prima facie showing under ICRA based on disparate impact on the basis of race has been satisfied and (2) forego that analysis. This agreement to address and discuss disparate impact does not constitute an admission of any fault or liability whatsoever on the part of the City or the CPD and does not extend outside of determining a compliance methodology for this Agreement; this agreement shall not be interpreted as an admission of any fault or liability by the City or the CPD.

15. Consistent with Section III of the 2015 Agreement, the City agrees to furnish the ACLU and the Consultant's policing practices expert with all CPD policies necessary for ICRA analysis, and any information required to devise any remedies under ICRA analysis. Such information includes, but is not limited to, access to all relevant data and, for the policing practices expert, interviews of members of the Department conducted and selected by the expert.
16. Consistent with Section V of the 2015 Agreement, if applicable, the Consultant will recommend to CPD any remedies the Consultant identifies pursuant to the ICRA analysis.



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9/26/2019

Date



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9/27/19

Date

Appendix A:

Investigatory Stop System Revision Plan

1. The City and CPD seek to promote accuracy and transparency when forms are completed and reviewed. Thus, by January 1, 2020, CPD, in consultation with the Consultant, the Consultant's policing expert and the ACLU, CPD will:
 - a. determine what adjustments CPD, the Consultant, the Consultant's policing expert, and the ACLU jointly agree are needed to the ISR application (i.e., the electronic forms that both officers and supervisors fill out) to promote accurate reporting; and
 - b. review and determine appropriate revisions to the ISR special order and any related guidance documents to provide clarity and consistency with the revised investigatory stop system.
2. In so doing, CPD will conduct research, including but not limited to conducting focus groups with CPD members and reviewing best practices in other jurisdictions, to identify improvements in the Department's investigatory stop system that promote the Department's goals of accurate and transparent reporting.
3. Currently, all CPD officers receive training on the investigatory stop system and Fourth Amendment, the curriculum for which was reviewed and approved by the ACLU and Consultant. CPD also provides targeted remediation training based on the Department's review of ISRs. By January 1, 2020, CPD will review its training methods and frequency and will determine, with assistance from the police practices expert, whether additional training is necessary, including whether additional targeted remediation training is appropriate for certain members.
4. To improve the accountability of CPD's auditing of ISRs and respond to the Consultant's report on this issue, CPD's Integrity Unit has been moved under the Department's new Auditing Unit, which now directly supervises the ISR auditing process. Further, by January 1, 2020, CPD will, in consultation with the Consultant, policing expert and the ACLU:
 - a. summarize and report on the work and findings of the Integrity Unit from 2016-2019;

- b. **determine appropriate adjustments to the specific methodologies of the Department's ISR audits conducted to provide transparency and consistency, including district-level executive audits, including whether review of body-worn camera footage would be helpful or appropriate;**
 - c. **develop criteria for a standardized audit template, including for district-level executive audits;**
 - d. **review and determine any appropriate revisions to the Department's Standard Operating Procedures (SOP) for conducting ISR audits;**
 - e. **determine whether additional or revised training is appropriate for the Department's ISR reviewers and auditors.**
4. **By March 1, 2020, CPD will develop a plan to implement all agreed-upon processes.**