

May 17, 2022

Celia Meza
Corporation Counsel
City of Chicago Department of Law
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Dear Ms. Meza:

We write to address the City of Chicago's announcements on May 15 and 16, 2022, banning "unaccompanied" minors from Millennium Park on Thursday through Sunday evenings, and purportedly moving the citywide weekend curfew for youth from 11:00 p.m. to 10:00 p.m.

We have serious legal concerns about these announced policy changes, which do not appear to be supported by any ordinances approved by City Council, and which suggest an attempt to govern by press conference instead of through the democratic process and the rule of law.

The City's announcements send a message to young people, and particularly young people of color, that they are unwelcome in Millennium Park and downtown. When violence occurs on the South and West sides of Chicago, the City does not ban young people from being present in the neighborhood after 6:00 p.m. When raucous, predominantly white crowds celebrate a Cubs victory near Wrigley Field, the City does not ban young people from the entire area after 6:00 p.m. Such restraint is appropriate. In contrast, the new announced policies are anything but "narrow," as Mayor Lightfoot claimed. They are an effective ban on young people enjoying public spaces—including a celebrated park—that belong to all Chicagoans. The violent actions of a few do not justify punishing an entire class of young people.

We request answers to the following questions immediately:

A. Announced Changes to Citywide Weekend Curfew

1. Please provide us with a copy of the Executive Order the Mayor signed or plans to sign moving the citywide weekend curfew to 10:00 p.m.

2. What is the Mayor's legal basis for announcing a citywide 10:00 p.m. weekend curfew that conflicts with the Municipal Code? The current curfew rules are set out in the [City of Chicago's Municipal Code, § 8-16-020](#). This ordinance provides that the curfew for minors ages 12 through 16 is 11:00 p.m. on Friday and Saturday nights, and 10:00 p.m. on all other nights. The municipal code does not allow the Mayor to amend City ordinances by executive order or by press announcement.
3. Will the City redeploy or reassign police officers from other responsibilities to take on the job of curfew enforcement? If so, which assignments, beats or neighborhoods are losing police resources to curfew enforcement?
4. How will the police be expected to respond to curfew violations? Will they be instructed to ticket or arrest all curfew violators? If officers are not instructed to ticket all curfew violators, what instructions, if any, will guide officers' discretion as to *which* young people will be subject to law enforcement action for violating the curfew?
5. During the 2020 curfew enacted in the City in the wake of protests of George Floyd's murder, more than 3 in 4 of the individuals stopped and arrested for curfew violations were members of racial minority groups. What guardrails will be in place to ensure that curfew enforcement this summer is not conducted in a racially disparate or discriminatory fashion? What records will the City and the Chicago Police Department keep regarding curfew enforcement actions, including stops, demands for individuals' age or identification, dispersal instructions, tickets, and arrests?
6. For how long does the City anticipate this curfew change to remain in effect? What are the criteria for lifting the executive order altering the citywide curfew?

B. Announced Ban on Unaccompanied Youth in Millennium Park on Thurs.-Sun.

1. What is the Mayor's legal basis for banning unaccompanied minors from Millennium Park after 6:00 p.m. on Thursday through Sunday nights?
2. Please provide to us copies of any written plans, policies, rules or orders setting out the exact terms of the ban on unaccompanied minors.
3. Why did the City decide to ban unaccompanied youth from Millennium Park, when it does not – and should not – ban them from other locations that continue to suffer from tragic gun violence?
4. The City's curfew ordinance, Municipal Code § 8-16-020(c)(1), contains a number of exceptions that allow youth to be in public places after curfew hours for legitimate reasons, including, for example:

- a. “Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly”;
- b. Going to or from a job or employment activity;
- c. Being involved in an emergency situation; or
- d. Running errands at the direction of a parent or guardian.

Does the City’s ban on youth in Millennium Park contain the same exceptions?

5. The Mayor’s May 15, 2022 announcement stated that youth will only be allowed in Millennium Park after 6 p.m. on Thursdays through Sundays if they are “accompanied by at least one responsible adult.” How will the City define a “responsible” adult? Is the wording “responsible adult” intentionally vague to allow individual police officers to determine who is and is not sufficiently “responsible,” and does that vagueness not invite arbitrary, racially biased and discriminatory policing?
6. What, exactly, does the City intend to do at 6:00 p.m. this Thursday when the new Millennium Park ban goes into effect? Will officers sweep through Millennium Park and begin asking the ages of everyone present? Will officers demand to see government-issued identification from everyone as proof of age?
7. For how long does the City anticipate this curfew to remain in effect? What are the criteria for lifting the Millennium Park curfew?
8. Which agency or agencies will be enforcing the ban on unaccompanied youth in Millennium Park? Please provide copies of any written guidance or training materials issued by the City, DCASE, Chicago Park District, Chicago Police Department, or any other relevant agency regarding enforcement of this ban.
9. What steps will officers take if they discover someone 16 or younger in the park without a “responsible” adult on the weekends? Will they ask the young person to leave, and where will they expect that person to go? If youths simply move across the street, or south to Grant Park, or north to Water Tower Place, what will the police do next?
10. How will the police be expected to respond to curfew violations in Millennium Park? Will they be instructed to ticket or arrest all curfew violators? If officers are not instructed to ticket all curfew violators, what instructions, if any, will guide officers’ discretion as to *which* young people will be subject to law enforcement action for violating the curfew?
11. As we asked concerning the citywide curfew policy, what guardrails will be in place to ensure that curfew enforcement in Millennium Park is not conducted in a racially disparate or discriminatory fashion? What records will the City and the Chicago Police

Department keep regarding curfew enforcement actions, including stops, demands for individuals' age or identification, dispersal instructions, tickets, and arrests?

We look forward to the City's prompt response addressing these questions.

Sincerely,

/s/ Alexandra K. Block

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