

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

DARNELL SMITH, et al.,)	
)	
Plaintiffs,)	
)	Case No. 15 C 3467
v.)	
)	Judge Amy J. St. Eve
CITY OF CHICAGO, a municipal corporation,)	
et al.,)	
)	
Defendants.)	

DECLARATION OF ANNE KIRKPATRICK

Pursuant to 28 U.S.C. § 1746, I, Anne Kirkpatrick, state and affirm as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, I could competently testify thereto.

2. I am a Chief in the City of Chicago's ("City") Police Department ("CPD") and the head of the department's Bureau of Organizational Development. The Bureau of Organizational Development includes the recently established Integrity Section, which is tasked with training officers on how to conduct and document investigatory stops and protective pat downs and auditing CPD records to ensure that such encounters are being conducted in compliance with CPD policy and the law.

3. On August 6, 2015, the City, CPD and the American Civil Liberties Union of Illinois ("ACLU") entered into an agreement requiring CPD to make substantive changes regarding data collection, training and supervision relating to how officers conduct and document investigatory stops and protective pat downs (the "ACLU Agreement").

4. Retired Judge Arlander Keys was appointed to serve as an independent consultant to the parties under ACLU Agreement. Judge Keys' duties are to recommend

Exhibit 9

changes to and validate CPD policies, practices and training regarding investigatory stops and protective pat downs, prepare semi-annual Reports and Recommendations to assess whether CPD is in substantial compliance with applicable laws and the ACLU Agreement and recommend changes to CPD's policies and practices, as needed.

5. Since execution of the ACLU Agreement, CPD has spent many hours working to ensure that CPD's investigatory stop and protective pat down procedures comply with the law and the ACLU Agreement. CPD's work has focused on three areas: (1) CPD revised its written policy regarding investigatory stops and protective pat downs to clarify constitutional limitations, improve recordkeeping and more specifically delineate supervisory and internal auditing responsibilities; (2) CPD updated and expanded its training on investigatory stops and protective pat downs and provided the new training to nearly all of its sworn officers; and (3) CPD implemented internal review mechanisms to assess whether CPD's practices regarding investigatory stops and protective pat downs comply with applicable law.

6. As part of the changes to CPD's policy regarding investigatory stops and protective pat downs, CPD modified Special Order S04-13-09, which was previously titled "Contact Information Systems" at the time plaintiffs filed the complaint in this action and set forth CPD's written policy on investigatory stops. The new Special Order S04-13-09 is titled "Investigatory Stop System" and became effective on January 1, 2016.

7. Since January 1, 2016, Special Order S04-13-09 has been amended on two occasions by CPD. The March 22, 2016 revisions clarified that an Investigatory Stop Report should be submitted for investigatory stops, protective pat downs and other searches conducted in a public place. The June 10, 2016, revision introduced a revised Investigatory Stop Receipt.

8. In order to implement the changes to Special Order S04-13-09, CPD issued new forms. The forms included the Investigatory Stop Report, the Investigatory Stop Receipt, the Investigatory Stop Report Deficiency Notification and the Investigatory Stop Report Oversight Observation Report. CPD also issued an Investigatory Stop Pocket Guide and an Investigatory Stop Report Flow Chart.

9. As part of the update and expansion to CPD's training on investigatory stops and protective pat downs and the provision of the new training to nearly all of its sworn officers, CPD provided training on the new Special Order S04-13-09 and developed a course on investigatory stops and protective pat downs.

10. Training on the new special order began in December 2015, when twelve CPD trainers attended 178 district and unit roll calls to discuss the forthcoming new order and Illinois Public Act 99-352 and to demonstrate the computer interface that officers now use to generate Investigatory Stop Reports.

11. Additionally, CPD developed a course on investigatory stops and protective pat downs for CPD officers. The new training, which totals eight hours, occurs in a classroom setting in which officers are encouraged to ask questions and interact with the instructors. The training incorporates PowerPoint presentations on Illinois Public Act 99-352, investigatory stops, the Fourth Amendment and the new Special Order S04-13-09. In addition to the presentations, the training includes multiple scenario-based exercises in which officers complete and review investigatory stop reports. The training concludes with an examination that tests officers on the materials.

12. Formal classroom training began on January 18, 2016. CPD held classes for all three watches until May 27, 2016, training 11,192 of its 11,992 officers, or approximately 98

percent of all officers. 445 of the 800 officers who did not receive the training were on an extended medical leave. Judge Keys, his retained police practices expert under the ACLU Agreement and representatives of the ACLU attended the formal training sessions on two occasions and provided feedback to CPD, which was incorporated into future training sessions. The Integrity Section intends to begin shortly with refresher training sessions in which trainers will visit various CPD units.

13. The Integrity Section recently conducted training for commanding officers on their duty to prepare monthly audits pursuant to S04-13-09.

14. In June 2016, CPD Superintendent Eddie Johnson issued a department-wide video shown at roll calls in which he explained and endorsed the changes to CPD's investigatory stop and protective pat down policies and procedures.

15. CPD has also issued training bulletins to address issues that have arisen in the course of rolling out the revised investigatory stop and protective pat down policies and procedures.

16. CPD established in January 2016 a dedicated email server called AskISR where officers can direct questions regarding investigatory stops and protective pat downs. Officers typically receive a response to their questions within one or two days. Additionally, the most frequently asked questions and responses have been compiled into an AskISR memorandum that was posted on the CPD's intranet website on July 2016 to allow viewing by all members of CPD. CPD intends to update this memorandum as needed to address any new issues regarding investigatory stops and protective pat downs as they arise.

17. Finally, as part of CPD's initiation of internal audit procedures to ensure that investigatory stops and protective pat downs are being conducted within legal limits, CPD has

significantly revised its audit process. Under the new Special Order S04-13-09, supervising officers are specifically tasked with ensuring that reasonable articulable suspicion for investigatory stops and protective pat downs is set forth on investigatory stop reports. In the event that reasonable articulable suspicion is not documented, the supervisor must inform the officer and complete an Investigatory Stop Report Deficiency Notice, which is sent to a new unit within CPD, the Integrity Section. Supervisors are reviewed, in turn, by executive officers, who must ensure that supervisors are conducting a proper review and conduct monthly internal audits of investigatory stop reports to ensure compliance with the new order.

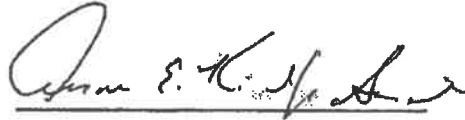
18. Furthermore, the new Integrity Section is dedicated to training and auditing investigatory stops and protective pat downs. Each day, the Integrity Section reviews a random sample of approved investigatory stop reports to determine whether the reports document reasonable articulable suspicion and are otherwise completed correctly. Deficient reports are sent back to the originating district or unit so that the originating officer and the reviewing supervisor may receive supplemental training and/or discipline, if necessary.

19. The Integrity Section also engages in special projects such as conducting a review of a random sample of arrest reports to check whether investigatory stop reports were completed if necessary.

20. Finally, the Integrity Section reviews Investigatory Stop Report Deficiency Notices and sends the notices back to the originating district or unit so that the originating officer can receive additional training or discipline if it upholds the supervising officer's findings.

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

Date: August 30, 2016

A handwritten signature in black ink, appearing to read "Anne E. Kirkpatrick", written over a horizontal line.

Anne Kirkpatrick
Chief
Bureau of Organizational Development
Chicago Police Department