

No. 1-24-0875

**IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT**

CHICAGO JOHN DINEEN LODGE #7,

Plaintiff – Appellant,

v.

CITY OF CHICAGO, DEPARTMENT OF POLICE, BRANDON JOHNSON, in his official capacity as MAYOR, and LARRY SNELLING, in his official capacity as Superintendent of the Chicago Police Department, and the CHICAGO CITY COUNCIL,
Defendants – Appellees.

On Appeal from the Circuit Court of Cook County, Illinois,
Cook County Circuit, No. 2024-CH-00093
The Honorable Michael T. Mullen, Judge Presiding

**THE ACADEMICS AND POLICY GROUPS FOR POLICE ACCOUNTABILITY
MOTION FOR LEAVE TO SUBMIT JOINT AMICUS BRIEF**

Proposed Academic and Policy Amici Seth Stoughton, Sharon Fairley, Rachael Moran, Randolph Stone, Mark Iris, Tracey Meares, Stephen Rushin, Christy Lopez, Georgetown Center for Innovation in Community Safety, Impact for Equality and the Chicago Council of Lawyers hereby request leave of Court pursuant to Illinois Supreme Court Rule 345 to submit a joint amicus brief in support of the Defendants. Movants state as follows:

1. This case involves a question of significant public interest concerning the manner in which hearings on serious police disciplinary charges should be handled. This is an

important issue related to public safety that will not only affect Illinois citizens, but is relevant to a larger debate on this question that is occurring nationally.

2. The Proposed Amici are individuals and organizations that have worked on this policy issue both locally and nationally. They consist of the following individuals and organizations:
 - a. **Seth Stoughton** is an Associate Professor at the University of South Carolina School of Law and a Core Faculty Member with the Rule of Law Collaborative. His study of policing primarily focuses on the use of force, agency and professional culture, training, law and policy. Professor Stoughton has served as an expert in a number of high profile police cases, including testifying in the criminal prosecution of Derek Chauvin, who was convicted of killing George Floyd. Prio to joining the faculty at South Carolina, Professor Stoughton was a Climenko Fellow and Lecturer on Law at Harvard Law School. Before attending law school, Professor Stoughton was an officer with the Tallahassee Police Department for five years, where he trained other officers, wrote policies to govern the use of new technologies, and taught personal safety and self-defense courses in the community.
 - b. **Sharon Fairley** is a professor and graduate of the University of Chicago Law School, who has taught at the Law School since 2015. She became a Professor from Practice in 2019. Professor Fairley’s teaching responsibilities include

criminal procedure, policing, and federal criminal law. Before joining the Law School, Professor Fairley spent eight years as a federal prosecutor with the United States Attorney's Office for the Northern District of Illinois, investigating and trying criminal cases involving illegal firearms possession, narcotics conspiracy, bank robbery/murder, murder for hire and economic espionage, among other criminal acts. She also served as the First Deputy Inspector General and General Counsel for the City of Chicago Office of the Inspector General. In December 2015, following the controversial officer-involved shooting death of Laquan McDonald, Professor Fairley was appointed to serve as the Chief Administrator of the Independent Police Review Authority (IPRA), the agency responsible for police misconduct investigations. She was also responsible for helping create and build Chicago's Civilian Office of Police Accountability (COPA), which replaced IPRA and of which she was the first head.

Professor Fairley's areas of academic inquiry focus on criminal justice reform with an emphasis on constitutional policing and police accountability. She frequently writes and speaks about use of force by law enforcement, civilian oversight of law enforcement, and other police reform strategies.

- c. **Rachel Moran** is an associate professor and founder of the Criminal and Juvenile Defense Clinic at the University of St. Thomas School of Law. Professor Moran's work focuses on police reform, issues pertaining to police accountability, and public access to records of police misconduct. Before coming to the University of St. Thomas, Professor Moran taught as a Clinical Fellow at the University of

Denver Sturm College of Law's Criminal Defense Clinic and served as an adjunct professor at Chicago-Kent College of Law. After law school Professor Moran worked at a private criminal defense firm as an assistant public defender with the Office of the Illinois State Appellate Defender, where she argued numerous criminal appeals in the Illinois Appellate courts and the Illinois Supreme Court.

- d. **Randolf Stone** is a legal scholar and a former Clinical professor of Law at the University of Chicago Law School. His interests include criminal law, juvenile justice, the legal profession, indigent defense, race and criminal justice, evidence and trial advocacy. Before retirement Stone's leadership positions included Director of the Criminal & Juvenile Justice Clinic, Public Defender of Cook County and he was one of five criminal justice leaders who served on Mayor Rahm Emanuel's Police Accountability Task Force in 2015.
- e. **Mark Iris** is a distinguished expert in police accountability, who received his Ph.D. from Northwestern University. From 1984 to 2004, he served as the Executive Director of the Chicago Police Board, where he monitored hundreds of police misconduct cases, including cases involving former Chicago Police Cmdr. Jon Burge. In this role he also participated in the City of Chicago's First Amendment Consent Decree, ensuring protections for citizens engaged in free speech. Iris' research focuses on use of data in law enforcement. Currently a Lecturer Emeritus in Mathematical Methods in the Social Sciences at Northwestern University, he works with students on projects assisting police departments in cities like New York, Los Angeles and Chicago that assess Early

Intervention Systems, which track officers behavior to prevent misconduct.

Professor Iris has also contributed extensively to academic discourse, with publications on police discipline, crime hot spots and law enforcement litigation, appearing in journals such as the *Journal of Criminal Law and Criminology* and *Police Quarterly*. He has also served as an expert witness in police- related litigation.

- f. **Tracey Meares** is the Walton Hale Hamilton Professor of Law at Yale Law School. Prior to joining the Yale Law School faculty, she was the Max Pam Professor of Law and director of the Center for Studies in Criminal Justice at the University of Chicago Law School. She is a co-editor of the *Annual Review of Criminology*. Professor Meares has been a member of the National Research Council's Committee on Law and Justice. She was appointed by then-Attorney General Holder to serve on the Office of Justice Program's Science Advisory Board and by then-President Obama to the President's Task Force on 21st Century Policing. She was elected as a Fellow to the American Academy of Arts and Sciences in 2019 and also serves as a member of the Joyce Foundation's Board of Directors.
- g. **Stephen Rushin** is the Judge Hubert Louis Will Professor of Law at the Chicago Loyola School of Law, where he focuses his research, writing and teaching in law enforcement reform and police accountability. He teaches a class on police accountability and has published an article on the problems with using arbitration

in the police accountability system. He has also published a book on the difficulties with federal intervention in American police departments.

h. **Christy Lopez and the Georgetown Center of Innovation in Community**

Safety. Christy Lopez is a professor at Georgetown University, where she heads up the Georgetown Center for Innovation in Community Service (CICS) which is a pioneering organization dedicated to promoting safer and more equitable communities through innovative approaches to public safety that emphasize restorative justice, public health and the needs of vulnerable populations. CICS works on programs to train police officers, and leads the ABLE Project (Active Bystandership for Law Enforcement), a national program designed to prevent misconduct within law enforcement agencies. CICS is also deeply committed to policy reform and advocacy, working with local, state and national partners to advance polices that reduce racial disparities, protect civil rights and enhance public safety.

i. **Impact for Equity**, formerly Business and Professional People for the Public Interest, has been a catalyst for racial, economic and social justice in Chicago and Illinois since its founding in 1969. Its areas of focus include the criminal justice system, police accountability and housing. Impact for Equality utilizes a combination of legal tools, police research, advocacy, organizing and convening to work towards transformational change. For example, the organization worked for years in partnership with the Grassroots Alliance for Police Accountability, eventually resulting in the 2021 passage (by the Chicago City Council) of the

Empowering Communities for Public safety Ordinance, which created a citywide community oversight commission with responsibility for overseeing systematic reform of the Chicago Police Department and its related disciplinary agencies.

- j. **The Chicago Council of Lawyers** is a progressive bar association founded in 1969 to analyze and bring about reform in Chicago's legal systems. For the past 20 years the Council's Civil Liberties Committee has been deeply engaged in monitoring and reforming Chicago police oversight and disciplinary systems, including holding annual panels on that topic, negotiating with City and State legislators on reforms to those systems, advocating for the entry of the Chicago Consent Decree concerning the police department and related agencies, participating in various coalitions over the years to improve those systems and testifying on the present issue before the Chicago City Council.
3. For the past hundred years, the citizens of Chicago have struggled to put in place an effective oversight system to prevent police misconduct and hold police officers accountable when they engaged in such misconduct. These efforts included the creation of the Chicago Police Board in the 1960s, a public agency to oversee the police discipline system, because of deficiencies in the prior oversight system. For the past 60 years the Chicago Police Board has permitted public access to proceedings in the most serious misconduct cases. Even after the passage of the Illinois Public Labor Relations Act in 1984, which generally provided for the private arbitration of unionized public employee grievances, the police union in Chicago agreed to keep that arrangement with the Chicago

Police Board in effect for the past 40 years. However, in its most recent set of contract negotiations, the police union now seeks to pull hearings in those serious disciplinary cases behind closed doors before private arbitrators. (This is part of a national trend by police unions to remove such proceedings from public view.)

4. If the union succeeds in this strategy, it will seriously set back efforts to improve the police oversight system in Chicago that have been made over the past decade and that are still underway. Permitting such hearings to be removed from public scrutiny would undermine both the effectiveness of those systems and the contribution they make to public safety in Chicago. These Amici are opposed to that effort and seek to explain for this Court's benefit the reasons for this, including some aspects of the system that neither the police union nor the City have any interest in pointing out.
5. A copy of these amici's proposed brief is attached to this motion.

Wherefore, these amici respectfully request leave to file the accompanying Amicus brief with this Court.

/s/ Loren V. Jones
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CERTIFICATE OF FILING AND SERVICE

I certify that on October 31, 2024, I electronically filed the foregoing Motion for Leave to File Brief Amicus Curiae In Support of Defendant- Appellees, accompanied by the proposed Amicus Brief, with the Clerk of the Court for the Illinois Supreme Court, using the Odyssey eFileIL system.

I further certify that the other participants in this appeal, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

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Within five days of acceptance by the Court, the undersigned also states that she will cause thirteen copies of the Brief of Amici Curiae to be mailed with postage prepaid to the following address:

Cook County 1st District Appellate Courthouse
160 North LaSalle St
Chicago, IL.

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct.

/s/ Loren V. Jones _____
Loren V. Jones

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[PROPOSED] ORDER

IT IS HEREBY ORDERED that the Academics and Policy Groups for Police Accountability Motion for leave to file a brief as amici curiae in support of defendant-appellee City of Chicago is:

granted / denied. DATED: ___ of _____, 2024

Judge

Judge

Judge