

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

DOCKETED
DEC 19 2001

JEFFREY C. WILSON,

JUDGE HART

Plaintiff,

Civil Action No.

vs.

01C 9586

CITY OF CHICAGO, a municipal
corporation, TERRY G. HILLARD,
GEORGE A. ROSEBROCK, DANIEL G.
MAHONEY and RICHARD MAJDER,

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

Defendants.

U.S. DISTRICT COURT

01 DEC 17 AM 9:04

FILED-ED4

**COMPLAINT FOR ENFORCEMENT OF
CONSENT DECREE, DAMAGES AND OTHER RELIEF**

NOW COMES the Plaintiff JEFFREY C. WILSON, by his attorney JOSEPH T. FitzSIMMONS, who petitions this Court for enforcement of the provisions of the "Consent Decree" heretofore entered; for the designation of TERRY G. HILLARD, DANIEL G. MAHONEY, GEORGE A. ROSEBROCK and RICHARD MAJDER as specifically named Defendants; for the issuance of a Rule that the aforesaid parties and Defendant CITY OF CHICAGO show what cause exists, if any, to excuse the wilful and wanton disregard of the terms and provisions of the "Consent Decree" with respect to the Plaintiff; for an award of damages to Plaintiff as compensation and sanctions for the conduct of the parties and Defendant CITY OF CHICAGO, with fees and costs and attorneys' fees taxed to Defendant CITY OF CHICAGO and to the individually named Defendants; and for such other, and further, relief as this Court finds appropriate. In support of his Complaint, the Plaintiff states the following:

JURISDICTION AND VENUE

1. This is an action brought to enforce the provisions of the Judgment Orders and Permanent Injunctions concerning First Amendment Rights previously entered in Civil Actions number 74 C 3268, 75 C 3295 and 76 C 1982 in the United States District Court for the Northern District of Illinois in or about 1982 and thereafter reaffirmed from time to time. This court asserted jurisdiction of the subject matter in those earlier cases and judgment orders; and the jurisdictional

basis of this action is an extension of such earlier jurisdictional findings and orders.

2. Venue is proper in this United States District Court for the Northern District of Illinois in that all of the unlawful acts, practices and conduct of Defendants occurred within Chicago, Cook County, Illinois. Further, the permanent and binding injunctions in those earlier cases were entered in this United States District Court for the Northern District of Illinois and it is proper for the Plaintiff to seek enforcement of the orders of this court here.

PARTIES TO THE ACTION

3. The Plaintiff, JEFFREY C. WILSON, is a resident of the City of Chicago, the County of Cook and the United States of America. He is a native-born citizen of the United States of America who has never renounced or waived his citizenship. The Plaintiff is a person who is entitled to the protections provided by the "Consent Decree".

4. Defendant TERRY G. HILLARD is a policy-making employee of Defendant CITY OF CHICAGO, holding the chief executive position of Superintendent of Defendant's Department of Police, ultimately responsible for all of the policies and decisions the command, or executive, level of the Chicago Police Department. In that capacity he is subject to all of the restrictions and limitations [with respect to the Plaintiff's First Amendment rights] created by the "Consent Decree".

5. Defendant DANIEL G. MAHONEY is a policy-making employee of Defendant CITY OF CHICAGO, holding the appointed position of "Department Advocate" in the Internal Affairs Division of Defendant's Department of Police. In that capacity he is subject to all of the restrictions and limitations [with respect to the Plaintiffs' First Amendment rights] created by the "Consent Decree".

6. Defendant GEORGE A. ROSEBROCK is a policy-making employee of Defendant CITY OF CHICAGO, holding the "Senior Executive Service" position of "Commander" in the Management and Labor Affairs Section of Defendant's Department of Police. In that capacity he is subject to all of the restrictions and limitations [with respect to the Plaintiffs' First Amendment rights] created by the "Consent Decree".

7. Defendant RICHARD MAJDER is an employee of Defendant CITY OF CHICAGO, a sworn police officer holding the rank of "sergeant of police" in the Internal Affairs Division of Defendant's Department of Police. In that capacity he is subject to all of the restrictions and limitations [with respect to the Plaintiffs' First Amendment rights] created by the "Consent Decree".

STATEMENT OF THE CASE

8. The Plaintiff JEFFREY C. WILSON is an employee of Defendant CITY OF CHICAGO who has been, at all times relevant hereto, actively and regularly involved in the activities of organized labor on behalf of sworn supervisory employees in the Department of Police of Defendant CITY OF CHICAGO [to wit: as the duly elected President of the **Chicago Police Lieutenants Association**, also known as "Policemen's Benevolent and Protective Association of Illinois - Unit 156/Lieutenants" - a collective bargaining unit ["labor union"] as certified by the Illinois Local Labor Relations Board].

9. In April of 2001 the Plaintiff, acting in his capacity as an elected labor representative, made statements to the local Chicago print and electronic news media which criticized certain practices and policies of the Chicago Police Department and Defendant TERRY G. HILLARD. Those statements were made for the purpose of supporting the interests and rights of the members of Plaintiff's collective bargaining unit. Defendants HILLARD and MAHONEY thereafter initiated and directed an unlawful investigation of Plaintiff's First Amendment conduct and, moreover, concealed and hid that investigation from internal auditors charged with reporting such investigations to this court and from the external auditing firm charged with ongoing public reports of "First Amendment investigations".

10. In February of 2001 the Plaintiff, acting in his capacity as an elected labor representative, published political commentary and opinion on a local "electronic bulletin board" which was critical of labor relations between sworn police officers employed by the Chicago Police Department and the Department's management. Defendants HILLARD, ROSEBROCK and MAJDER thereafter initiated, orchestrated and conducted an unlawful investigation of Plaintiff's First Amendment conduct and, moreover, also concealed and hid that investigation from internal auditors charged with reporting such investigations to this court and from the external auditing firm charged with ongoing public reports of "First Amendment investigations".

COUNT I

INVESTIGATION OF POLITICAL OPINIONS PUBLISHED IN NEWS MEDIA

11. On or about April 13, 2001 the Plaintiff was interviewed by members of the print media in his official role as the elected president and spokesperson of the collective bargaining unit representing Chicago police officers holding the rank of Lieutenant of Police. During the interview, which was later reported in print in the Chicago Sun-Times newspaper of April 13, 2001, Plaintiff expressed his opinion that Chicago Police Department district commander Marienne Perry (and others) had been "promoted beyond their competency level because of pressure to increase minority

participation”.

12. The newspaper article reporting Plaintiff’s political opinion was “reviewed” by Defendants MAHONEY and HILLARD. Defendants MAHONEY and HILLARD then immediately caused a formal investigation, focused solely and exclusively on the nature and subject of Plaintiff’s statements, to be initiated.

13. This investigation was initiated on April 13, 2001 and was subsequently documented in the records of the Chicago Police Department as “Complaint Register number 270605”.

14. Upon information and belief, the Plaintiff states that **no other** organized labor leader, representing police officer employees of the City of Chicago, has been subjected to a similar or analogous investigation of his/her First Amendment conduct.

15. The investigation conducted by Defendants MAHONEY and HILLARD (“270605”) was directed toward Plaintiff’s First Amendment conduct in that it:

1. included the collection and/or handling of information about First Amendment conduct;
2. had as a subject or target a person (i.e., Plaintiff) who was actively and substantially engaged in First Amendment conduct, where the investigative activity related only to that conduct; and
3. was designed to interfere with Plaintiff’s First Amendment conduct.

16. The investigation conducted by Defendants MAHONEY and HILLARD was not a “**Criminal Investigation**” as defined and referenced in the Consent Decree and in the provision of the Chicago Police Department’s **General Order 88-17 [Section VII (I) (3.2)]** which implements the provisions of the Consent Decree within the scope of Chicago Police Department activities.

17. The investigation conducted by Defendants MAHONEY and HILLARD was not a “**Dignitary Protection Investigation**” as defined and referenced in the Consent Decree and in the provision of the Chicago Police Department’s **General Order 88-17 [Section VII (I) (3.3)]** which implements the provisions of the Consent Decree within the scope of Chicago Police Department activities.

18. The investigation conducted by Defendants MAHONEY and HILLARD was not a “**Public Gathering Investigation**” as defined and referenced in the Consent Decree and in the provision of the Chicago Police Department’s **General Order 88-17 [Section VII (I) (3.4)]** which implements the provisions of the Consent Decree within the scope of Chicago Police Department activities.

19. The investigation conducted by Defendants MAHONEY and HILLARD was not a “**Regulatory Investigation**” as defined and referenced in the Consent Decree and in the provision

of the Chicago Police Department's **General Order 88-17 [Section VII (I) (3.5)]** which implements the provisions of the Consent Decree within the scope of Chicago Police Department activities.

20. The conduct and activities of both defendants HILLARD and MAHONEY in connection with the investigation, stigmatization and isolation of Plaintiff WILSON were undertaken solely and exclusively for the purpose of silencing and harassing WILSON for his First Amendment conduct in the course of representing members of the Chicago Police Lieutenants Union, a recognized collective bargaining unit.

21. The "Consent Decree" and the explicit directives of "General Order Number 88-17" notwithstanding, the CITY's Department of Police/Internal Affairs Division has a historical practice of "targeting" First Amendment conduct by employees, harassing the First Amendment activities of employees who criticize Police Department policies, or who participate in organized police labor union actions, and of actively interfering with non-employees who associate with such employees. That practice is well documented in the secret records of Internal Affairs Division investigative files.

22. Beginning in about 1990, the Internal Affairs Division began an "open file" consisting of investigative reports and documentation aimed at identifying the parties responsible for publishing satirical sheets such as the "25th District Gallows", "Stalag 017", the "Rogers Park Follies", "Rodent Control" and others. The purpose of the investigation is to penalize those parties (all of whom are clearly Police Department sworn-member employees) solely and exclusively on account of personal embarrassment caused to exempt-level supervisors by the First Amendment commentary and political criticism. The targets of this long-term and ongoing investigation are "person[s] who [are] actively and substantially engaged in First Amendment conduct, where the investigative activity relates to that conduct". See "Consent Decree", at Sec. 1.3.

23. The ongoing "Gallows" investigation is not justified by any claim that official misconduct or corruption by sworn police officers is implicated. The purpose is simply to silence those subordinate Department members who have the temerity and audacity to question the decisions and actions of higher level government employees -- in the context of a free society that traces its history of political satire more than 3000 years to the golden age of Hellenic civilization.

24. Beginning in 1995 or 1996, Police Officer Toby Hensgen of the Internal Affairs Division became assigned to the "Gallows" investigation -- at the direction of the predecessor of Defendant HILLARD -- after it was found that some of the satirical essays published months and years before could be found on an "Internet" "web site". I.A.D. agent Hensgen traced this "site" to a young police officer assigned to the Police Department's 015th District (Police Officer "D").

25. In conducting his investigation under the supervision and command of command rank agents of Defendant CITY OF CHICAGO, Hensgen interviewed the owner of the "Internet" "web server" as to the First Amendment activities of Police Officer "D". Moreover, Hensgen then interviewed the leasing agents of the building where this "web server" business was physically located and obtained business documents concerning the "web server" business for the purpose of implicating Police Officer "D" in business activities associated with the publication of political essays which violated only the rules of English grammar. Hensgen further caused building, zoning and revenue inspectors from the Defendant CITY OF CHICAGO to come to the building wherein the "web server" business was located for the purpose of harassing that private enterprise, its proprietor and its employees solely and exclusively because of the connection between the business and the publication of documents which certain high-ranking Police Department officials, including Michael Hoke and Frank Radtke, found to be embarrassing. As a result of the activities of the Internal Affairs Division, through its agent Hensgen, at least one license violation citation was issued for an insignificant and rarely enforced violation.

26. The use of Internal Affairs Division investigations, such as the one described immediately above and Complaint Register Number "270605", is a pattern, policy and practice regularly used by the Chicago Police Department to target persons such as Plaintiff JEFFREY C. WILSON who are actively and substantially involved in legitimate First Amendment conduct.

27. The use of Internal Affairs Division investigations, such as the one described immediately above and Complaint Register Number "270605", is a pattern and practice regularly used by the Chicago Police Department to interfere with and to quash legitimate First Amendment conduct by Police Department employees who engage in organized labor activities that are critical of the Department's regressive disciplinary system or promote fair and equitable treatment of subordinate employees.

28. Upon information and belief, your Plaintiff states that Defendant CITY OF CHICAGO has adopted, and practices, a policy of concealing Internal Affairs Division investigations, such as the Investigation of Plaintiff under "270605" and of Officer "D" (as described above) from the regular auditing and monitoring of compliance with the provisions of the Consent Decree.

29. Upon information and belief, your Plaintiff states that Section 5 of the "Judgment Orders in cases 74 C 3268 and 75 C3295 (i.e., the "Consent Decree") provides for "AUDITING AND MONITORING IMPLEMENTATION OF AND COMPLIANCE WITH TH[E] JUDGMENT".

30. Upon information and belief, your Plaintiff states that Defendant CITY OF

CHICAGO and HILLARD have intentionally and purposefully concealed the investigations referenced herein, as well as other Internal Affairs Division investigations directed toward First Amendment activity, from auditing and monitoring authorities and, further, have intentionally and actively prevented the reporting of such investigations to this court.

31. As a result of the conduct of Defendants MAHONEY and HILLARD, as described herein, your Plaintiff JEFFREY C. WILSON has been harassed, has been stigmatized and has suffered damages.

32. The Plaintiff is entitled to an award of damages pursuant to the provisions of the "Consent Decree" establishing therein a right for aggrieved parties (such as Plaintiff) to bring a "private action for damages" seeking "enforcement" under the terms of the "Consent Decree".

33. The Plaintiff is entitled to an award of attorneys' fees and costs of litigation pursuant to the provisions of the "Consent Decree" establishing therein a right for aggrieved parties (such as Plaintiff) seeking "enforcement" under the terms of the "Consent Decree" as an ancillary matter.

WHEREFORE, the Plaintiff JEFFREY C. WILSON prays this Honorable Court for relief as follows:

- A. For the issuance of a Rule that the Defendant CITY OF CHICAGO, TERRY G. HILLARD and DANIEL G. MAHONEY show what cause exists, if any, to excuse the wilful and wanton disregard of the terms and provisions of the "Consent Decree" with respect to the Plaintiff JEFFREY C. WILSON;
- B. For an award of damages to Plaintiff JEFFREY C. WILSON as and for compensation and sanctions for the conduct of TERRY G. HILLARD, DANIEL G. MAHONEY and Defendant CITY OF CHICAGO;
- C. For the entry of an Order herein awarding fees and costs and attorney's fees taxed to TERRY G. HILLARD (individually), DANIEL G. MAHONEY (individually) and Defendant CITY OF CHICAGO;
- D. For the entry of an Order herein finding the individual Defendants TERRY G. HILLARD and DANIEL G. MAHONEY to be in criminal contempt of this Court for the willful and wanton disregard of the restrictions and prohibitions imposed by the "Consent Decree" and remanding those individual Defendants into the custody of the United States Marshall for a period of incarceration as determined by the Court; and
- E. For such other, and further relief as this Court in equity finds to be appropriate.

COUNT II
INVESTIGATION OF INTERNET PUBLICATIONS

1 - 10. Your Plaintiff JEFFREY C. WILSON realleges and reincorporates Paragraphs 1 through 10 herein as if fully set forth as Paragraphs 1 through 10 of this Count II.

11. On or about February 10, 2001 the Plaintiff engaged in protected First Amendment activity by posting an explanatory article about labor activities of the Policemen's Benevolent and Protective Association of Illinois ["P.B. & P.A."] on an Internet message board frequented by police officers of the Chicago Police Department (i.e., the "Second City Coppers Network" at www.secondcitycoppers.net).

12. On February 16, 2001 Defendant GEORGE A. ROSEBROCK initiated and investigation by the Chicago Police Department's Internal Affairs Division which was thereafter designated "Complaint Register Investigation 269257".

13. The investigation was conducted by Defendant RICHARD MADJER from February 16, 2001 through April 5, 2001. During the course of the investigation, Defendant GEORGE A. ROSEBROCK participated in investigative activities, in the submission of reports and actively directed the investigation.

14. The investigative activities of both Defendant GEORGE A. ROSEBROCK and of Defendant RICHARD MAJDER included the regular "monitoring and review" of Internet public service websites containing political commentary and union information for the general public and for law enforcement employees who hold membership in public employee labor unions (e.g., the statement of Defendant MAJDER that he "**monitored the website, www.SecondCitycoppers.net**").

15. The investigative activities of both Defendant GEORGE A. ROSEBROCK and of Defendant RICHARD MAJDER included: the submission of reports to superiors analyzing and synopsisizing the public statements of Plaintiff JEFFREY C. WILSON in the forum of the Internet website; downloading, printing and attaching First Amendment commentary into permanent files of the Chicago Police Department; distributing their analyses, their synopses, the downloaded copies of Plaintiff's First Amendment labor statements to various other officers and superiors within the Chicago Police Department; and targeting the Plaintiff for retaliatory action by the Employer because of his First Amendment conduct as a labor representative.

16. Upon information and belief, the Plaintiff states that **no other** organized labor leader, representing police officer employees of the City of Chicago, has been subjected to a similar or analogous investigation of his/her First Amendment conduct.

17. The investigation conducted by Defendants GEORGE A. ROSEBROCK and RICHARD MADJER ("269257") was directed toward Plaintiff's First Amendment conduct in that it:

1. included the collection and/or handling of information about First Amendment conduct;
2. had as a subject or target a person (i.e., Plaintiff) who was actively and substantially engaged in First Amendment conduct, where the investigative activity related only to that conduct; and
3. was designed to interfere with Plaintiff's First Amendment conduct.

16. The investigation conducted by Defendants ROSEBROCK and MADJER was not a "**Criminal Investigation**" as defined and referenced in the Consent Decree and in the provision of the Chicago Police Department's **General Order 88-17 [Section VII (I) (3.2)]** which implements the provisions of the Consent Decree within the scope of Chicago Police Department activities.

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20. The conduct and activities of both Defendants ROSEBROCK and MADJER in connection with the investigation, stigmatization and isolation of Plaintiff JEFFREY C. WILSON were undertaken solely and exclusively for the purpose of silencing and harassing WILSON for his First Amendment conduct in the course of representing members of the Chicago Police Lieutenants Union, a recognized collective bargaining unit.

21. The "Consent Decree" and the explicit directives of "General Order Number 88-17"

notwithstanding, the CITY's Department of Police/Internal Affairs Division has a historical practice of "targeting" First Amendment conduct by employees, harassing the First Amendment activities of employees who criticize Police Department policies, or who participate in organized police labor union actions, and of actively interfering with non-employees who associate with such employees. That practice is well documented in the secret records of Internal Affairs Division investigative files.

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26. The use of Internal Affairs Division investigations, such as the one described immediately above and Complaint Register Number "269257", is a pattern, policy and practice regularly used by the Chicago Police Department to target persons such as Plaintiff JEFFREY C. WILSON who are actively and substantially involved in legitimate First Amendment conduct.

27. The use of Internal Affairs Division investigations, such as the one described immediately above and Complaint Register Number "269257", is a pattern and practice regularly used by the Chicago Police Department to interfere with and to quash legitimate First Amendment conduct by Police Department employees who engage in organized labor activities that are critical of the Department's regressive disciplinary system or promote fair and equitable treatment of subordinate employees.

28. Upon information and belief, your Plaintiff states that Defendant CITY OF CHICAGO has adopted, and practices, a policy of concealing Internal Affairs Division investigations, such as the Investigation of Plaintiff under "269257" and of Officer "D" (as described above) from the regular auditing and monitoring of compliance with the provisions of the Consent Decree.

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30. Upon information and belief, your Plaintiff states that Defendant CITY OF CHICAGO has intentionally and purposefully concealed all of the investigations referenced herein, as well as other Internal Affairs Division investigations directed toward First Amendment activity, from auditing and monitoring authorities and, further, has intentionally and actively prevented the reporting of such investigations to this court.

31. As a result of the conduct of Defendants GEORGE A. ROSEBROCK and RICHARD MADJER, as described herein, your Plaintiff JEFFREY C. WILSON has been harassed, has been stigmatized and has suffered damages.

32. The Plaintiff is entitled to an award of damages pursuant to the provisions of the

"Consent Decree" establishing therein a right for aggrieved parties (such as Plaintiff) to bring a "private action for damages" seeking "enforcement" under the terms of the "Consent Decree".

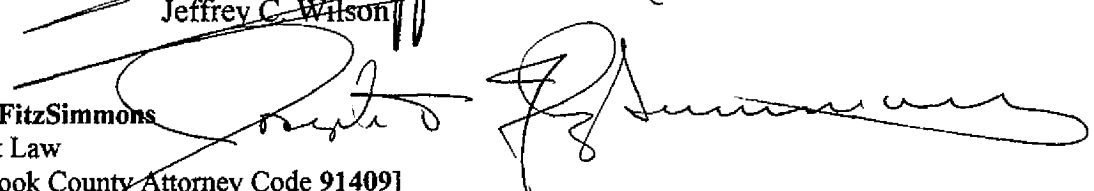
33. The Plaintiff is entitled to an award of attorneys' fees and costs of litigation pursuant to the provisions of the "Consent Decree" establishing therein a right for aggrieved parties (such as Plaintiff) seeking "enforcement" under the terms of the "Consent Decree" as an ancillary matter.

WHEREFORE, the Plaintiff JEFFREY C. WILSON prays this Honorable Court for relief as follows:

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- B. For an award of damages to Plaintiff Jeffrey C. Wilson as and for compensation and sanctions for the conduct of GEORGE A. ROSEBROCK, RICHARD MADJER and Defendant CITY OF CHICAGO;
- C. For the entry of an Order herein awarding fees and costs and attorney's fees taxed to GEORGE A. ROSEBROCK (individually), RICHARD MADJER (individually) and Defendant CITY OF CHICAGO;
- D. For the entry of an Order herein finding the individual Defendants GEORGE A. ROSEBROCK and RICHARD MADJER to be in criminal contempt of this Court for the willful and wanton disregard of the restrictions and prohibitions imposed by the "Consent Decree" and remanding those individual Defendants into the custody of the United States Marshall for a period of incarceration as determined by the Court; and
- E. For such other, and further relief as this Court in equity finds to be appropriate.

I, JEFFREY C. WILSON, the Plaintiff herein, make the statements and assertions contained in this instrument under the provisions of certification contained in Section 1-109 of the Illinois Code of Civil Procedure; and, under the penalties provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements and assertions contained in this instrument are true and correct, except for statements made based upon information and belief; and as to such statements, I certify that I believe such to be true and correct.


Jeffrey C. Wilson


Joseph T. FitzSimmons
Attorney at Law

[Cook County Attorney Code 91409]
c/o: Chicago Police Lieutenants Association
111 West Washington St. — Suite 1000
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G.O. 88-17

Chicago Police Department

NOTE: FILE ONE OF TWO

TITLE: FIRST AMENDMENT INVESTIGATIONS

ISSUE DATE: 8 September 1988

EFFECTIVE DATE: 9 September 1988

DISTRIBUTION: C

RESCINDS: GENERAL ORDER 82-10

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I. PURPOSE

This order:

- A. informs members that the City of Chicago will continue to comply with the two Judgment Orders entered in the United States District Court for the Northern District of Illinois, Eastern Division, concerning investigations directed toward the exercise of First Amendment rights by individuals or groups (**Alliance to End Repression, et al., v. City of Chicago, et al.**; 74 C 3268, **American Civil Liberties Union, et al., v. City of Chicago, et al.**; 75 C 3295) and concerning investigations of attorney-client relationship (**Chicago Lawyers' Committee, et al., v. City of Chicago, et al.**; 76 C 1982).
- B. provides members with copies of the provisions of the Judgment Orders.
- C. defines the phrase "directed toward First Amendment conduct" (Judgment Order-Section 1.3).
- D. defines "unit" for the purpose of this order.
- E. continues responsibilities and procedures relative to investigations and the retention and security of records directed toward First Amendment conduct.

II. POLICY

It shall be the policy of the Chicago Police Department not to conduct investigations directed toward the exercise of First Amendment rights unless a valid governmental purpose is served. Investigations which impact on First Amendment rights will be conducted in accordance with the provisions of the Judgment Orders contained in this directive.

III. GENERAL INFORMATION

FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

APPENDIX D TO AGREED ORDER, JUDGMENT AND DECREE (74 C 3268 AND

75 C 3295)

"Legal Notice to all employees of the City of Chicago:

By the consent of the City of Chicago, the United States District Court has entered an order dated April 8, 1982, protecting the rights of individuals and groups to speak out, to petition the government, and to associate in the furtherance of economic, political, and religious objectives as provided by the First Amendment of the U.S. Constitution. No investigation, collection of information, or other action may be taken against individuals or groups exercising such rights except under exceptional circumstances for legitimate governmental reasons. The Court order provides that any investigation concerning activities protected by the First Amendment must follow specified procedures. Most of these matters are properly handled only by the Department of Police, but you are advised that the Court order binds **all** City employees and agents so far as investigation or other action taken against individuals or groups exercising such rights."

APPENDIX A TO AGREED ORDER, JUDGMENT AND DECREE (76 C 1982)

"Under court order, city employees are forbidden to interfere with or investigate relations between attorneys and their clients. Violation of this order may subject you to discipline, citation for contempt of court, and a lawsuit for damages. If you suspect that a Department employee has violated this order, notify your supervisor immediately."

IV. DEFINITIONS

- A. Investigative activity is **directed toward First Amendment conduct** when it does or foreseeably will (other than by incidental reference):
 - 1. include the collection or handling of information about First Amendment conduct;
 - 2. have as a subject or target a person who is actively and substantially engaged in First Amendment conduct, where the investigative activity relates to that conduct; or
 - 3. interfere with First Amendment conduct.
- B. Unit - For purposes of this order, unit will be defined as any subdivision of the Department which is commanded by a member of exempt rank.

V. AUTHORITY AND RESPONSIBILITY

A. The Superintendent of Police:

1. may authorize a criminal or regulatory investigation that is directed toward First Amendment conduct by utilizing the Authorization For First Amendment Investigation form (CPD-11.437).
2. may authorize a dignitary protection or public gathering investigation by utilizing the Authorization For First Amendment Investigation form.
3. has designated the First Deputy Superintendent as the "Police Executive" for purposes of administering the provisions of the Judgment Orders and this directive as they relate to public gathering and dignitary protection investigations.
4. has designated the Deputy Superintendent, Bureau of Investigative Services, as the "Police Executive" for purposes of administering the provisions of the Judgment Orders and this directive as they relate to criminal and regulatory investigations directed toward First Amendment conduct.
5. will personally approve in writing, when appropriate, any "infiltration" and certify the necessity for such use.
6. will recertify, if appropriate, any previously approved "infiltration" at intervals of not more than thirty (30) days.
7. will specifically authorize and limit access to purged information kept in sealed files.
8. will initiate, annually, a Departmental audit of First Amendment investigations and submit copies of the audit report(s) to the Mayor, the Police Board, and the Court of Jurisdiction in the Judgment Orders.
9. will ensure that proper training and supervision is afforded to members in accordance with the provisions of the Judgment Orders.

B. The First Deputy Superintendent:

1. will review all requests to conduct public gathering or dignitary protection investigations.
2. may authorize a public gathering investigation to be conducted solely

for the purpose of:

- a. preventing substantial interference with traffic in the area contiguous to the public gathering, or
 - b. providing adequate public services to protect public health and safety in compliance with applicable laws, or
 - c. protecting the exercise of constitutional rights.
3. may authorize a public gathering investigation to be conducted when there is reasonable suspicion that the:
 - a. public gathering is likely to produce an imminent and substantial breach of the peace or riot, or
 - b. information on a permit application is false.
 4. may authorize a dignitary protection investigation to provide for the physical safety of a visiting public official or other dignitary, and:
 - a. there is reasonable suspicion that the subject(s) of the investigation poses a threat to the physical safety of the dignitary, and
 - b. commence such investigation only after being made aware of an anticipated visit and terminate the investigation upon the visitor's departure or receiving notice that the visit will not occur.
 5. will complete and Authorization For First Amendment Investigation form to:
 - a. authorize and set parameters, establish duration, reauthorize or terminate a First Amendment investigation.
 - b. establish appropriate minimization procedures to be employed during public gathering or dignitary protection investigations.
 - c. authorize, when appropriate, the use of intrusive method(s) and document why such use is necessary.
 6. will assign a First Amendment investigation number to authorized

public gathering and dignitary protection investigations as follows:

- a. the number will consist of the letters "OS," the last two digits of the current year, and a number beginning with "1" and running consecutively in ascending order, which indicates the number of times that a First Amendment investigation has been authorized that year (e.g., OS-88-1).
 - b. a bond ledger log will be used to record the number of First Amendment investigations authorized.
7. will ensure that an authorized public gathering or dignitary protection investigation is reviewed every thirty (30) days and either reauthorize the investigation, if appropriate, or terminate the investigation if:
- a. the standard of "reasonable suspicion of crime" is no longer met, or,
 - b. the purpose of the investigation has been achieved, or,
 - c. the event to which it related has taken place or been cancelled.
8. will be responsible for ensuring the maintenance of files of purged information on all public gathering and dignitary protection investigations forwarded to him on an annual basis.
9. will ensure the security of such files by only authorizing the dissemination of information to persons or agencies as set forth in the Judgment Orders.
10. will designate the Coordinator of Special Events to be responsible for those procedures outlined under Item V-C.
11. will ensure that the complaint register procedure as prescribed in the directive entitled "Complaint and Disciplinary Procedures" is followed when activity by a Department member involves a violation of First Amendment rights or the provisions of the Judgment Orders.
- C. The Coordinator of Special Events will:
1. be notified by the First Deputy Superintendent of all:

- a. proposed dignitary protection and public gathering activities.
 - b. authorized dignitary protection and public gathering investigations.
2. provide a staff review of all proposed dignitary protection and public gathering activities.
3. perform and provide staff supervision of all authorized dignitary protection and public gathering investigations.
4. be responsible for ensuring that any documentation resulting from dignitary protection activities or authorized dignitary protection investigations forwarded to him by the First Deputy Superintendent is maintained in a separate dignitary protection file.
5. be responsible for the maintenance and retention of all files generated as a result of public gathering activities or authorized public gathering investigations forwarded to him by the First Deputy Superintendent.
6. ensure adherence to the minimization procedures set forth by the First Deputy Superintendent for authorized First Amendment investigations.
7. review and forward all reports of authorized First Amendment investigations generated by members under his supervision to the First Deputy Superintendent prior to being filed and retained in his unit.
8. ensure that the complaint register procedure as prescribed in the directive entitled "Complaint and Disciplinary Procedures" is followed when an allegation is made or information comes to his attention that a member under his supervision has taken an action that is a violation of First Amendment rights or the provisions of the judgment Orders.

D. The Deputy Superintendent, Bureau of investigative Services

1. When criminal investigations are directed toward First Amendment conduct, the Deputy Superintendent will:
 - a. review all requests to continue criminal investigations directed toward First Amendment conduct which will exceed 72 hours.

- b. review and, if appropriate, authorize a criminal investigation that is directed toward First Amendment conduct to continue beyond 72 hours when:
 - (1) such investigation is being conducted solely for the purpose of obtaining evidence of criminal conduct that has occurred, is occurring or is about to occur, and
 - (2) there is reasonable suspicion based on specific and articulable facts that the subject(s) has committed, is committing, or is about to commit a crime.
- c. complete the Authorization For First Amendment Investigation form to:
 - (1) authorize and set parameters, establish duration, reauthorize or terminate a First Amendment investigation.
 - (2) establish appropriate minimization procedures to be employed during criminal investigations directed toward First Amendment conduct.
 - (3) authorize, when appropriate, the use of intrusive method(s) and document why such use is necessary.
- d. assign a First Amendment investigation number to authorized criminal investigations as follows:
 - (1) the number will consist of the letters "IS," the last two digits of the current year, and a number beginning with "1" and running consecutively in ascending order, which indicates the number of times that a First Amendment investigation has been authorized that year (e.g., IS-88-1).
 - (2) a bound ledger log will be used to record the number of First Amendment investigations authorized.
- e. ensure that an authorized criminal investigation directed toward First Amendment conduct is reviewed every thirty (30) days and either reauthorize the investigation, if appropriate, or terminate the investigation if:

- (1) the standard of "reasonable suspicion of crime" is no longer met, or,
 - (2) the purpose of the investigation has been achieved, or,
 - (3) the event to which it related has taken place or been cancelled.
 - f. be responsible for maintaining files of purged information on all criminal investigations directed toward First Amendment conduct.
 - g. ensure the security of such files by only authorizing the dissemination of information to persons or agencies as set forth in the Judgment Orders.
 - h. ensure that the complaint register procedure as prescribed in the directive entitled "Complaint and Disciplinary Procedures" is followed when activity by a Department member involves a violation of First Amendment rights or the provisions of the Judgment Orders.
 - 2. For regulatory investigations which have a significant focus on First Amendment information, the Deputy Superintendent:
 - a. upon receiving requests to conduct such investigations will ensure that:
 - (1) they are conducted solely for the purpose of fulfilling regulatory responsibilities as set forth by statute or ordinance, and
 - (2) the security of First Amendment information is maintained.
 - b. when authorizing such investigations will similarly comply with the procedural provisions of Items V-D-1-c through h.
- E. District/Unit Commander of Exempt Rank
- 1. Criminal Investigations Directed Toward First Amendment Conduct
 - a. The responsibility of the district/unit commander of exempt

rank for criminal investigations directed toward First Amendment conduct commences at the time at which he receives a To-From-Subject report from a subordinate member who is/was conducting an investigation, or learns that an investigation is under way or has been conducted.

NOTE: In the absence of a district/unit commander of exempt rank, the on-duty assistant deputy superintendent, Operations Command, may assume this responsibility.

- b. The authority to continue or terminate an investigation after the initial 24 hour period rests with the district/unit commander of exempt rank. Upon receipt of a member's report describing a First Amendment criminal investigation, the district/unit commander of exempt rank will personally review the report and concur or not concur with the member's request to terminate or continue the investigation and then proceed as follows:
 - (1) If the investigation is to be terminated, the responsible district/unit commander of exempt rank will order the investigation terminated and follow the procedures outlined in Item V-E-4 of this order.
 - (2) If the district/unit commander of exempt rank authorizes the continuation of a criminal investigation directed toward First Amendment conduct which will extend beyond 24 hours, but not more than 72 hours from the time the investigation was initiated, he will order the investigation continued, and
 - (a) provide written approval in a To-From-Subject report. The written authorization will contain minimization procedures (as defined in the Judgment Order-Section 3.1.2) to be followed by the member.
 - (b) notify the Deputy Superintendent, Bureau of Investigative Services that a criminal investigation directed toward First Amendment conduct has been initiated.

NOTE: At any time, up to the 72nd hour, the investigation may be terminated. When termination occurs, the district/unit commander of exempt rank will follow the procedures outlined under Item V-E-4 of this order without delay.

- c. If at any time prior to the 72nd hour of the investigation the district/unit commander of exempt rank determines that the investigation should continue beyond that time limit, he will:
- (1) review and, if appropriate, prepare a To-From-Subject report requesting an authorized criminal investigation directed toward First Amendment conduct from the Deputy Superintendent, Bureau of Investigative Services, for an investigation which will exceed 72 hours. The report will summarize the conduct of the criminal investigation to date and state the results expected to be achieved.
 - (2) prepare the Request For Authorization For First Amendment Investigation form (CPD-11.438) and check the square for initial authorization.
 - (3) attach a copy of the member's report requesting an extension of the criminal investigation beyond the 24th hour, and
 - (4) attach a copy of his report authorizing the extension of the criminal investigation beyond the 24th hour.
 - (5) forward these reports and any other reports in the investigation to date to the Deputy Superintendent, Bureau of Investigation Services, by messenger, in a sealed file.

NOTE: If approval for an investigation which will exceed 72 hours is not received within 72 hours from the time the investigation was initiated, the investigation must be terminated. The procedures outlined under Item V-E-4 of this order will be

followed without delay.

d. Authorization is continue a criminal investigation directed toward First Amendment conduct beyond 72 hours will be received from the Deputy Superintendent, Bureau of Investigative Services, on an Authorization For First Amendment Investigations form. The authorization will contain:

- (1) minimization measures to be followed and a listing of any intrusive methods authorized. District/unit commanders of exempt rank are forbidden to go beyond the parameters established for the conduct of the investigation and will ensure that members of their command follow the minimization procedures.
- (2) a cancellation date limited to 30 days from the date the investigation was first initiated. If at any time prior to the expiration of the cancellation date the district/unit commander of exempt rank determines that the investigation should be terminated, he will order the investigation terminated and follow the procedures outlined in Item V-E-4 of this order.

2. Public Gathering, Dignitary Protection and Regulatory Investigations Directed Toward First Amendment Conduct

a. Upon receipt of a report from a member requesting authorization to conduct a public gathering investigation, dignitary protection investigation, or regulatory investigation which has a significant focus on First Amendment information, a district/unit commander of exempt rank will:

- (1) review the report to determine the justification for the request and approve or disapprove the request.
- (2) forward disapproved requests to either the First Deputy Superintendent or the Deputy Superintendent, Bureau of Investigative Services, as appropriate, and order the requesting member to refrain from conducting the investigation into First Amendment conduct.
- (3) authorize the requesting member to prepare a Request

For Authorization For First Amendment Investigation form in those cases where he approves the request, attach the endorsed report of the requesting member and forward both documents, by messenger, in a sealed file to either:

- (a) the First Deputy Superintendent, for a public gathering or dignitary protection investigation, or;
- (b) the Deputy Superintendent, Bureau of Investigative Services, for a regulatory investigation.

b. Authorization to initiate a public gathering, dignitary protection, or a regulatory investigation which has a significant focus on First Amendment information, will be received from the First Deputy Superintendent or the Deputy Superintendent, Bureau of Investigative Services, as appropriate, on an Authorization for First Amendment Investigation form. The authorization form will contain:

- (1) minimization measures to be followed and a listing of any intrusive methods authorized. District/unit commanders of exempt rank are forbidden to go beyond the parameters established for the conduct of the investigation and will ensure that members of their command follow the minimization procedures.
- (2) a cancellation date which is limited to 30 days from the date the investigation was first authorized. If at any time prior to the expiration of the cancellation date the district/unit commander of exempt rank determines that the investigation into First Amendment conduct should be terminated, he will order the investigation terminated and follow the procedures outlined in Item V-E-4 of this order.

3. Criminal, Regulatory, Public Gathering or Dignitary Protection Investigation Continued Beyond 30 Days.

- a. When a district/unit commander of exempt rank determines that a criminal, regulatory, public gathering or dignitary

protection investigation directed toward First Amendment conduct should continue beyond 30 days, he will:

- (1) prepare a Request For Authorization For First Amendment Investigations form indicating reauthorization.
 - (2) prepare a To-From-Subject report summarizing the investigation to date and what the continued investigation is expected to accomplish. This report will be attached to the request form.
 - (3) attach copies of all reports of the investigation prepared to date to the request form.
 - (4) forward these reports to either:
 - (a) the First Deputy Superintendent for public gathering or dignitary protection investigations, or
 - (b) the Deputy Superintendent, Bureau of Investigative Services, for criminal or regulatory investigations.
- b. Requests of this kind will normally be submitted at least 5 days before the expiration of the current authorization in order to provide time for review and administrative procedures.
- c. There is no limit to the number of 30 days reauthorizations which can be granted. However, if at any time it is determined that the investigation should be terminated as specified by the Judgment Order, the district/unit commander of exempt rank must then terminate the investigation without delay.
4. Termination of a First Amendment Investigation (Judgment Order-Section 3.1.5)
- a. The district/unit commander of exempt rank will terminate a criminal, regulatory, public gathering or dignitary protection investigation directed toward First Amendment conduct when its written authorization expires, or earlier when:

- (1) the standard under which it was initiated is no longer met (i.e., it is determined that no reasonable suspicion of criminal activity relating to the First Amendment exists) or,
 - (2) its purpose has been achieved or the event to which it was related (i.e., a public gathering) has taken place or been cancelled.
- b. If at any time the district/unit commander of exempt rank determines that an investigation directed toward First Amendment conduct should be terminated, he will order the investigation terminated, and:
- (1) complete a Request For Authorization For First Amendment Investigation form and indicate termination.
 - (2) prepare a To-From-Subject report to the First Deputy Superintendent, or the Deputy Superintendent, Bureau of Investigative Services, as appropriate, noting the termination and summarizing the investigation directed toward First Amendment conduct.
 - (3) ensure that in those investigations that contain an RD number, the Supplementary Report (CPD-11.411-A or B) indicates that First Amendment information was purged and the location to which it was forwarded.
 - (4) attach **all** copies of any reports prepared during the investigation directed toward First Amendment conduct to the Request for Authorization for First Amendment Investigation form.
 - (5) purge (Judgment Order-Section 3.1.7) all First Amendment (other than incidental references-Section 1.4) from all reports and forward the purged material along with the items listed under Item V-E-4-b-(1) to (4) of this directive to the First Deputy Superintendent or Deputy Superintendent, Bureau of Investigative Services, as appropriate, by messenger, in a sealed file.
 - (6) attach a copy of the Authorization For First Amendment

Investigation form(s) to the authorized investigation file from which First Amendment information was purged.

5. District/unit commanders of exempt rank will ensure that the complaint register procedures prescribed in the directive entitled "Complaint and Disciplinary Procedures" are followed and that the appropriate deputy superintendent is notified when he becomes aware of activity by a Department member involving a violation of either First Amendment rights or the provisions of the Judgment Orders.

Individual Member's Responsibility

1. Criminal Investigations Directed Toward First Amendment Conduct
 - a. Any member may, when necessary, initiate a criminal investigation directed toward First Amendment conduct without the approval of his district/unit commander of exempt rank for a period not to exceed 24 hours; however, the member must notify his district/unit commander of exempt rank as soon as possible that he has initiated such an investigation. For the purposes of this order, 24 hours is defined as 24 consecutive hours from the time the investigation is initiated. The minimization procedures set forth in the Judgment Orders (Section 3.1.2.) will be followed. Such an investigation may continue up to 72 hours with the written approval of the district/unit commander of exempt rank.
 - (1) A member who uses any intrusive method [authorized under V-D-1-c-(3)] directed toward First Amendment conduct must promptly submit a To-From-Subject report setting forth the details of the methods used and the information gathered.
 - (2) A member who uses an informant under Section 3.6.2 must instruct the informant as to the binding effect of the prohibitions of Part 2 of the Judgment Orders and the duties under Section 3.1.1 and 3.1.2 of the Judgment Orders.
 - b. Prior to the expiration of the 24 hour period, the member must determine whether or not to continue the investigation. In either event or in the case of a criminal investigation that was

approved for up to 72 hours, the member will submit a To-From-Subject report to his district/unit commander of exempt rank setting forth:

- (1) the basis, purpose and methods of the initial investigation, and
- (2) any particulars of the manner in which the investigation is, or has been, directed toward First Amendment conduct.
- (3) the DATE AND EXACT TIME OF INITIATION OF THE INVESTIGATION on the initial report.
- (4) if the member elects to terminate the investigation, or
- (5) if the member elects to request permission to continue the investigation.

NOTE: The authority to continue or terminate the investigation after the initial 24 hour period rests with the district/unit commander of exempt rank. In the absence of a member of exempt rank, the on-duty Assistant Deputy Superintendent, Operations Command, may assume this responsibility.

- c. When the advocacy of the use of unlawful force or violence during the exercise of First Amendment conduct comes to the attention of Department members, prudent and reasonable inquiries should be made to determine if such advocacy is an expression ideas only or whether it is directed to inciting or producing imminent lawless conduct **and** likely to incite or produce such action. Such inquiries will comply with the procedures and reporting requirements for conducting a criminal investigation directed toward First Amendment conduct.

2. Public Gathering, Dignitary Protection and Regulatory Investigation Directed Toward First Amendment Conduct.

- a. Any member may initiate a public gathering investigation without authorization solely for the purpose of:

- (1) gathering published announcements of future public gatherings and reviewing permit applications.
- (2) communicating overtly with the organizers of the public gathering concerning the number of persons expected to participate and similar information about the time, place and manner of the gathering.

NOTE: Information obtained during the course of the above investigation will be made the subject of an Information Report (CPD-11.461), with pertinent attachments to the First Deputy Superintendent. Audio/visual and photographic recordings will not be made pursuant to a public gathering investigation without the approval of the First Deputy Superintendent. However, the officer in charge of a public gathering may direct that audio/visual and photographic equipment be at the scene of a public gathering to be used only in the event criminal conduct occurs.

- b. Prior to conducting a public gathering investigation (except as set forth in Item V-F-2-a) or a dignitary protection investigation, a member will prepare and submit a To-From-Subject report to the First Deputy Superintendent, through his district/unit commander of exempt rank, requesting permission to conduct the investigation.
- c. Prior to conducting a regulatory investigation with a significant focus on First Amendment information, a member will prepare and submit a To-From-Subject report to the Deputy Superintendent, Bureau of Investigative Services, through his district/unit commander of exempt rank requesting permission to conduct the investigation.
- d. Requests by members to conduct a public gathering, dignitary protection or regulatory investigation will be reviewed by the district/unit commander of exempt rank and he will either disapprove or approve the investigation.
 - (1) If disapproved, the requesting member will refrain from conducting the investigation into First Amendment conduct.

- (2) If approved, the requesting member will be authorized to prepare a Request For Authorization For First Amendment Investigation form and return the completed form to his district/unit commander of exempt rank.

NOTE: the requesting member will not initiate an investigation unless authorization is received from the First Deputy Superintendent or the Deputy Superintendent, Bureau of Investigative Services, as appropriate.

3. Criminal, Regulatory, Public Gathering and Dignitary Protection Investigations Directed Toward First Amendment Conduct.
 - a. An investigation directed toward First Amendment conduct will be terminated when its written authorization expires or earlier when:
 - (1) the standard of "reasonable suspicion of crime" is no longer met, or,
 - (2) the purpose of the investigation has been achieved, or,
 - (3) the event to which it related has taken place or been cancelled.
 - b. When in doubt as to the proper course of action to take relative to First Amendment conduct, members will seek the advice of their district/unit commander of exempt rank.
4. Members shall not be deterred from conducting investigations of, or taking enforcement action against, criminal activity.
5. The complaint register procedures as prescribed in the directive entitled "Complaint Disciplinary Procedures" will be followed when an allegation is made against a member concerning violation of First Amendment Rights or the provisions of the Judgment Orders.

IV. CASE REPORT PROCEDURES

- A. During the conduct of a criminal, public gathering, dignitary protection or regulatory investigation directed toward First Amendment conduct, members will attempt to report First Amendment considerations (other than incidental references) on separate Supplementary Reports to facilitate ultimate purging of First Amendment information from case files.
- B. District/unit commanders of exempt rank responsible for purging First Amendment information will ensure that no initial case or Supplementary Reports or other reports containing First Amendment information (other than incidental references) are distributed through normal records processing channels. These reports will be kept isolated to facilitate purging. When the case is closed, suspended, or terminated and has an RD number assigned, the district/unit commander of exempt rank will ensure the preparation of a Supplementary Report indicating that First Amendment information has been purged from the case file and forwarded to the First Deputy Superintendent, or the Deputy Superintendent, Bureau of Investigative Services, as appropriate. He will attach the Authorization for First Amendment Investigation form(s) to his unit file. He will then submit the Supplementary Report through normal reporting channels for inclusion in the Records Division case file.

LeRoy Martin
Superintendent of Police

87-018 FGP (FRC)

G.O. 88-17

Chicago Police Department

NOTE: FILE TWO OF TWO

TITLE: FIRST AMENDMENT INVESTIGATIONS

ISSUE DATE: 8 September 1988

EFFECTIVE DATE: 9 September 1988

DISTRIBUTION: C

RESCINDS: GENERAL ORDER 82-10

**VII. JUDGMENT ORDERS CONCERNING FIRST AMENDMENT RIGHTS IN
GENERAL (74 C 3268 AND 75 C 3295)**

I. PERMANENT INJUNCTION

The City of Chicago, the City defendants, their officers, employees and agents, and all persons in active concert or participation with them who receive actual notice of this Judgment, are hereby permanently enjoined as follows:

1. SUMMARY OF THE SCOPE OF THIS JUDGMENT

1.1 The principal provisions of this Judgment apply only to investigative activity (as defined in 1.2) that is directed toward First Amendment conduct (as defined in 1.3 - 1.5).

1.1.1 This Judgment does not apply to investigative activity that is not directed toward First Amendment conduct or that merely includes incidental references to such conduct. It is the expectation of the parties, for example, that the great majority of police activity (e.g., investigation of property crimes, personal violence, narcotics and gambling, as well as routine patrol and on-view enforcement action) will not be affected by this Judgment.

1.1.2 This Judgment prohibits any investigation of First Amendment

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ISSUE DATE: 8 September 1988

conduct in the absence of one of the valid governmental purposes specified herein (e.g., criminal investigation) and also prohibits investigation or disruption of a person because of the person's First Amendment conduct. It is the expectation of the parties, for example, that systematic investigation and record keeping about political and social action organizations unrelated to criminal conduct is prohibited by this Judgment.

- 1.1.3 This Judgment permits, but regulates, investigative activity that is directed toward First Amendment conduct in the course of performing a valid governmental function specified herein. The regulatory provisions of the Judgment are intended to permit functions such as criminal investigations (including investigations of criminal activity in furtherance of political goals) to be conducted effectively while controlling and limiting their impact on First Amendment conduct. The regulatory provisions generally require that investigative activity that is directed toward First Amendment conduct have a valid purpose, a reasonable factual basis and supervisory authorization; that the impact on First Amendment conduct be minimized; and that the retention and dissemination of First Amendment information be strictly limited.
- 1.1.4 This Judgment acknowledges the propriety of criminal intelligence investigations as a law enforcement technique, including the collection, analysis and dissemination of information about systematic criminal conduct. This Judgment applies to such investigations only when they are directed toward First Amendment conduct.
- 1.1.5 This Judgment does not address or affect the use of covert police investigative techniques, such as informants, except when such techniques are directed toward First Amendment conduct.
- 1.2 **Investigative activity** means THE COLLECTION OF INFORMATION BY ANY MEANS, INCLUDING ITS ACQUISITION FROM ANOTHER AGENCY OR FROM ANOTHER UNIT WITHIN THE SAME AGENCY, OR THE RECORDING, FILING, RETENTION, INDEXING, OR DISSEMINATION OF INFORMATION.
- 1.3 Investigative activity is **directed toward First Amendment conduct** when it does or foreseeably will (other than by incidental reference):
 - 1.3.1 INCLUDE THE COLLECTION OR HANDLING OF INFORMATION ABOUT FIRST AMENDMENT CONDUCT;

1.3.2 HAVE AS A SUBJECT OR TARGET A PERSON WHO IS ACTIVELY AND SUBSTANTIALY ENGAGED IN FIRST AMENDMENT CONDUCT, WHERE THE INVESTIGATIVE ACTIVITY RELATES TO THAT CONDUCT; or

1.3.3 INTERFERE WITH FIRST AMENDMENT CONDUCT.

1.4 Investigative activity is not directed toward First Amendment conduct merely because it includes relevant incidental references to First Amendment conduct. An **incidental reference** is AN OCCASIONAL OR ISOLATED REFERENCE to First Amendment conduct WHERE:

1.4.1 THE CONDUCT IS NOT ITSELF A SIGNIFICANT ISSUE IN OR FOCUS OF AN INVESTIGATION; and

1.4.2 THE REFERENCE IS RELEVANT TO THE LAW ENFORCEMENT PURPOSE OF THE INVESTIGATIVE ACTIVITY.

Examples of incidental references include information that a community organization was a burglary victim, information that a person reasonably suspected of narcotics crimes might be found at a certain church or political organization, or a name and address index maintained by a police or other city official of persons dealt with in the course of overt community relations activity or a file of correspondence with such persons concerning such activity.

1.5 **First Amendment conduct** means CONDUCT PROTECTED BY THE RIGHTS UNDER THE FIRST AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES TO FREEDOM OF SPEECH, PRESS, ASSEMBLY, PETITION AND RELIGION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING RIGHTS:

1.5.1 THE RIGHT TO HOLD IDEAS OR BELIEFS CONCERNING PUBLIC OR SOCIAL POLICY, OR POLITICAL, EDUCATIONAL, CULTURAL, ECONOMIC, PHILOSOPHICAL OR RELIGIOUS MATTERS;

1.5.2 THE RIGHT TO COMMUNICATE OR RECEIVE SUCH IDEAS OR BELIEFS, PUBLICLY OR PRIVATELY, ORALLY, IN WRITING OR BY SYMBOLIC MEANS;

1.5.3 THE RIGHT TO ASSOCIATE AND ASSEMBLE PUBLICLY OR PRIVATELY WITH OTHER PERSONS CONCERNING IDEAS OR BELIEFS ABOUT PUBLIC OR SOCIAL POLICY, OR POLITICAL,

EDUCATIONAL, CULTURAL, ECONOMIC, PHILOSOPHICAL OR RELIGIOUS MATTERS (BUT NOT A RIGHT TO ASSOCIATE OR ASSEMBLE FOR PURPOSES UNRELATED TO THE RIGHT TO HOLD AND EXPRESS SUCH IDEAS OR BELIEFS);

- 1.5.4 THE RIGHT TO ADVOCATE, FOR PURPOSES RELATED TO SUCH IDEAS OR BELIEFS, "THE USE OF FORCE OR OF LAW VIOLATION, EXCEPT WHERE SUCH ADVOCACY IS DIRECTED TO INCITING OR PRODUCING IMMINENT LAWLESS CONDUCT AND IS LIKELY TO INCITE OR PRODUCE SUCH ACTION," **Brandenburg v. Ohio**, 395 U.S. 444 (1969); with respect to the above, it is the duty of the Chicago Police Department, when it learns of an instance of such advocacy of the use of force or of law violation, to make prudent and reasonable inquiry to determine whether it is an exercise of the expression of ideas only or whether it is directed to inciting or producing imminent lawless conduct and is likely to incite or produce such action; this inquiry shall be conducted in accordance with §3.2.5;
 - 1.5.5 THE RIGHT TO ADVOCATE ALTERNATIVE SYSTEMS OF GOVERNMENT;
 - 1.5.6 THE RIGHT TO PETITION THE GOVERNMENT OR GOVERNMENTAL OFFICIALS FOR REDRESS OF GRIEVANCES; and,
 - 1.5.7 THE RIGHT TO ASSOCIATE FOR THE PURPOSE OF SEEKING AND GIVING LEGAL ADVICE AS WELL AS ADVANCING LITIGATION.
- 1.6 **First Amendment information** means INFORMATION ABOUT A PERSON'S FIRST AMENDMENT CONDUCT.

2. PROHIBITIONS THAT APPLY TO ALL AGENCIES OF THE CITY OF CHICAGO

No agency or agent of the City of Chicago shall:

- 2.1 investigate or prosecute a person, solely because of the person's First Amendment conduct, or selectively for political, religious, or personal reasons (except as permitted by law in the discipline of public employees);
- 2.2 disrupt, interfere with or harass any person because of the person's First Amendment conduct;

- 2.3 gather any First Amendment information by intrusive methods except pursuant to Part 3.6 of this Order, or by illegal methods, or receive or maintain information so gathered by others;
- 2.4 authorize, assist or encourage any person to violate this Order, or to commit an act that would violate this Order if committed by a City agent; or
- 2.5 conduct any investigation, or maintain any file or file system, directed toward First Amendment conduct that the Police Department may not conduct or maintain under the provisions of Part 3 of this Judgment.

3. POLICE DEPARTMENT INVESTIGATIONS

Police Department employees and agents may engage in investigative activity directed toward First Amendment conduct ONLY in a criminal, dignitary protection, public gathering, or regulatory investigation that is conducted in compliance with Part 3 of this Judgment.

- 3.1 Basis Procedures for Investigations. In every criminal, dignitary protection, public gathering or regulatory investigation that is directed toward First Amendment conduct:
 - 3.1.1 First Amendment information shall not be gathered nor become part of any investigative file unless it is so necessary to and inseparable from the purpose of the investigation that its gathering and retention cannot be avoided. First Amendment information shall not be gathered which violates the confidentiality of attorney-client communications.
 - 3.1.2 Minimization procedures shall be employed with respect to First Amendment conduct. **Minimization** means:
 - 3.1.2.1 TO TAKE EVERY REASONABLE PRECAUTION TO AVOID GATHERING INFORMATION ABOUT, OR INTERFERING WITH, FIRST AMENDMENT CONDUCT, AND WHEN IT CANNOT BE AVOIDED, TO FOLLOW A CONSCIOUS COURSE OF CONDUCT THAT REDUCES, AS MUCH AS POSSIBLE, THE IMPACT ON FIRST AMENDMENT CONDUCT.
 - 3.1.2.2 TO USE THE LEAST INTRUSIVE METHODS OF EFFECTIVELY CONDUCTING INVESTIGATIVE ACTIVITY ABOUT FIRST AMENDMENT CONDUCT.

- 3.1.2.3 For example, unless unavoidably necessary to the investigation of a reasonably suspected crime, no information shall be gathered about a political group to which a criminal suspect belongs or about other members of the group or about other persons attending political meetings where the suspect is present, including their identities, statements and photographs.
- 3.1.3 Intrusive Methods. No First Amendment information shall be gathered by intrusive methods, except in compliance with Part 3.6 of this Judgment.
- 3.1.4 Authorization. The investigation shall not be initiated unless authorized in writing by the Superintendent of Police, or by a member of his executive staff [i.e., Deputy Superintendents or Executive Assistant to the Superintendent] designated by him in the following manner:
- 3.1.4.1 The written authorization shall specify in detail the factual basis for the investigation; the apparent criminal offense or other specific reason for the investigation; the person(s) to be investigated, if known; the investigative methods to be used; minimization measures to be employed; and the duration of investigation ([not to exceed 30 days]).
- 3.1.4.2 The investigation shall not be continued unless the executive reviews and reauthorizes it in the same manner at intervals of not more than [30 days].
- 3.1.5 Termination. The investigation shall be terminated when its written authorization expires or earlier when:
- 3.1.5.1 the standard under which it was initiated (e.g., reasonable suspicion of crime) is no longer met; or
- 3.1.5.2 its purpose has been achieved or the event to which it related (e.g., a public gathering) has taken place.
- 3.1.6 Security of all First Amendment information shall be strictly maintained. **Security of information** means that THE UNIT COLLECTING THE INFORMATION MAKES OR PERMITS NO DISSEMINATION OF THE INFORMATION WHATSOEVER **except:**

- 3.1.6.1 to a Chicago police officer conducting a criminal investigation in compliance with this Judgment;
- 3.1.6.2 to a state or federal prosecutor who requests the information for a criminal prosecution;
- 3.1.6.3 in response to a subpoena;
- 3.1.6.4 to another governmental law enforcement agency upon its signed written request certifying that the information is needed in a criminal investigation based upon reasonable suspicion of crime, and only if such agency agrees to make no further dissemination of the information except in a criminal prosecution and to destroy or return it when no longer needed; or
- 3.1.6.5 to the subject of the information when required by legislation or when permitted by departmental policy.

For each dissemination, complete documentation shall be maintained, including the recipient, date, reason, and a copy of the information disseminated.

- 3.1.7 Purging. Upon completion or termination of an investigation, all information gathered shall be reviewed, and any First Amendment information (other than incidental references) shall be purged unless there exists reasonable suspicion of criminal activity and some nexus is established showing that the criminal activity is being sheltered under the guise of exercising First Amendment rights.

- 3.1.7.1 **Purging of information** means TO REMOVE IT FROM ALL FILES OR DOCUMENTS AND PLACE IT IN A SEALED FILE. No one shall have access to such sealed files except for the purposes of auditing and enforcing compliance with this Judgment; such access shall be limited to persons specifically authorized by the Superintendent of Police, designated representatives of the Chicago Police Board, and persons acting under judicial authority.
- 3.1.7.2 On an [annual] basis, information in sealed files shall be transferred to a sealed retention file under the personal control of an executive designated by the

Superintendent and there retained for [ten years] and then destroyed. The destruction may be delayed if the information is relevant to pending litigation. If the information is relevant to anticipated litigation either party may apply to the Court for appropriate relief.

3.2 Criminal Investigations Directed Toward First Amendment Conduct. Any criminal investigation that is directed toward First Amendment conduct must comply with Part 3.1 and also with the following:

3.2.1 It shall be conducted solely for the purpose of obtaining evidence of criminal conduct that has occurred, is occurring or is about to occur.

3.2.2 It shall not be conducted unless there is **reasonable suspicion*** based on specific and articulable facts that the subject has committed, is committing, or is about to commit a crime.

***REASONABLE SUSPICION:** THE BELIEF OF A REASONABLY PRUDENT PERSON UNDER THE CIRCUMSTANCES, BASED ON SPECIFIC AND ARTICULABLE FACTS, THAT INVESTIGATION SHOULD BE MADE TO DETERMINE WHETHER "PROBABLE CAUSE" EXISTS TO JUSTIFY AN ARREST, A WARRANT OR OTHER APPROPRIATE POLICE ACTION. "REASONABLE SUSPICION" IS LESS THAN THE "PROBABLE CAUSE" REQUIRED FOR AN ARREST OR A WARRANT, BUT IS AN OBJECTIVE STANDARD RATHER THAN A SUBJECTIVE "GOOD FAITH" BELIEF.

3.2.3 No First Amendment information other than incidental references shall become part of any investigative file unless some nexus is established showing that criminal conduct is being sheltered under the guise of exercising First Amendment rights.

3.2.4 An investigation may be initiated without the executive authorization required by Section 3.1.4, but only if it does not continue more than [24 hours] without the review and written approval of the [section commander or equivalent] nor more than [72 hours] without the executive authorization. A report

shall be submitted to the executive detailing the basis, purpose and methods of the initial investigation and any particulars in which it is, or has been, directed toward First Amendment conduct. If the executive does not authorize an investigation in accordance with Section 3.1.4, the report shall be purged.

3.2.5 when the police learn of the advocacy of the use of unlawful force or violence in furtherance of political, religious or other First Amendment ideas, the police may conduct a brief preliminary inquiry as follows:

3.2.5.1 The sole purpose of the inquiry shall be to determine whether the advocacy is an exercise of the expression of ideas only, or whether the advocacy is **both**---directed to inciting or producing imminent violent conduct, **and** likely to incite or produce such action.

3.2.5.2 The inquiry shall follow the same procedures as set out in §3.2.4: [section commander or equivalent] approval within [24 hours]; and termination and purging unless the executive authorizes a full investigation based on reasonable suspicion that a crime has occurred, is occurring or is about to occur.

3.2.5.3 In making the inquiry whether there is a reasonable suspicion that a crime has occurred, is occurring or is about to occur, the inquiry shall focus on whether there are facts indicating that the person is currently engaged in conduct preparing for the imminent use of force or violence. Ideological rhetoric is relevant but cannot be the sole basis for a full investigation or for repeated preliminary inquiries. A full investigation shall not be authorized of a person or group which only advocates the use of force without currently engaging in actions that make violence a credible threat.

3.3 Dignitary Protection Investigations. Any dignitary protection investigation that is directed toward First Amendment conduct must comply with Part 3.1, and also with the following:

- 3.3.1 It shall be conducted solely for the purpose of ensuring the physical safety of a visiting public official or other dignitary. It shall commence only after police learn of an anticipated visit, and shall cease upon the visitor's departure or upon notice that the visit will not occur.
- 3.3.2 A dignitary protection investigation that is directed toward First Amendment conduct shall not be conducted unless the appropriate police executive certifies in writing that there is a reasonable suspicion that the subject(s) of the investigation poses a threat to the physical safety of the dignitary. The certification shall detail the specific and articulable facts upon which the reasonable suspicion is based.
- 3.3.3 All dignitary protection investigations shall be supervised by one police unit designated by the Superintendent. Information gathered shall be kept by that unit in dignitary protection files separate from all other police investigative files.
- 3.3.4 Security of First Amendment information shall be maintained, except that information needed to ensure the dignitary's physical safety may be disseminated to the dignitary and to other law enforcement personnel assigned to protect the dignitary.
- 3.3.5 If the dignitary protection investigation uncovers reasonable suspicion of criminal activity, the information concerning that activity may be transferred to an appropriate police unit for a criminal investigation. If the criminal investigation is directed toward First Amendment conduct, it shall be conducted in accordance with Part 3.2.
- 3.3.6 Nothing in this Part 3 restricts the on-view enforcement activities of plain clothes officers in connection with dignitary protection.
- 3.4 Public Gathering Investigations. Any public gathering investigation must comply with Part 3.1, and also with the following:
 - 3.4.1 **Definition.** Public gathering means:
 - 3.4.1.1 ANY GATHERING OF PERSONS IN A PUBLIC PLACE, OR IN A PLACE TO WHICH THE

PUBLIC HAS REASONABLE ACCESS, FOR WHICH A PERMIT OR NOTICE TO POLICE OR OTHER GOVERNMENT OFFICIALS IS REQUIRED BY LEGISLATION; OR,

3.4.1.2 ANY MARCH, DEMONSTRATION, OR RALLY IN A PUBLIC PLACE, OR IN A PLACE TO WHICH THE PUBLIC HAS REASONABLE ACCESS, THAT IS REASONABLY LIKELY TO SIGNIFICANTLY AFFECT TRAFFIC OR PUBLIC HEALTH OR SAFETY.

3.4.2 A public gathering investigation shall be conducted solely for the purposes of preventing substantial interference with traffic in the area contiguous to the public gathering, ensuring adequate public services to protect public health and safety in accordance with applicable penal and regulatory statutes and ordinances, and protecting the exercise of constitutional rights.

3.4.3 All public gathering investigations shall be supervised by one police unit designated by the Superintendent. Information gathered shall be kept in public gathering files separate from all other police investigative files.

3.4.4 A public gathering investigation may be initiated without the written authorization required by Part 3.1.4, but without such authorization may only:

3.4.4.1 gather published announcements of future public gatherings and permit applications in the form specified by City ordinance; and

3.4.4.2 communicate overtly with the organizers of the public gathering concerning the number of persons expected to participate and similar information about the time, place, and manner of the gathering that is necessary for the purposes stated in Part 3.4.2 above.

3.4.5 No further information may be gathered unless there is reasonable suspicion that the public gathering is likely to produce an imminent and substantial breach of the peace or riot or that the information on a permit application is false, and

unless the further investigation is authorized pursuant to 3.1.4. The authorization shall certify the specific and articulable facts upon which the reasonable suspicion is based. The investigation shall not gather information about the identity of individual participants in the public gathering or about the content of the program unless there is compelling necessity to do so.

3.4.6 Security of all First Amendment information shall be maintained. However, it may be disseminated on a need-to-know basis to governmental agencies whose services will likely be needed or directly affected by the public gathering, provided they agree to make no further dissemination and to destroy the information within [30 days] after the gathering occurs.

3.4.7 If the public gathering investigation uncovers reasonable suspicion of criminal activity, the information concerning that activity may be transferred to an appropriate police unit for a criminal investigation. If the criminal investigation is directed toward First Amendment conduct, it shall be conducted in accordance with Part 3.2.

3.4.8 Police presence at a public gathering shall be no greater in nature and extent than reasonably necessary to enforce the criminal laws, to protect the exercise of constitutional rights, to prevent substantial interference with traffic and to protect the public health and safety in accordance with applicable penal and regulatory statutes and ordinances. The police presence shall be planned and organized to avoid discouraging persons from lawfully participating in the public gathering. The police presence may include plain clothes officers who are present solely for on-view enforcement purposes, as observers and not as participants except in the carrying out of authorized intrusive investigations under Part 3.6.

3.5 Regulatory Investigations. Any regulatory investigation that is directed toward First Amendment conduct shall comply with §§3.1.1 through 3.1.3, and with the following:

3.5.1 It shall be conducted solely for the purpose of fulfilling regulatory responsibilities as set forth by statute or ordinance (such as processing license applications or conducting traffic

accident and missing person investigations).

- 3.5.2 The requirements of §§3.1.4 through 3.1.7 do not apply where First Amendment information incidental to the regulatory investigation, such as information that a church vehicle involved in a traffic accident. However, these requirements must be complied with whenever First Amendment information is a significant focus of a regulatory investigation. In this event, security of First Amendment information shall be maintained.

3.4 Intrusive Methods

- 3.6.1 **Definitions.** **Intrusive method** means ANY of the following

3.6.1.1 **AN INFORMANT**, which means AN AGENT WHO COLLECTS INFORMATION WITHOUT DISCLOSING TO THE SOURCE HIS FUNCTION AS AN AGENT;

3.6.1.2 **AN INFILTRATOR**, which means AN INFORMANT WHO IS, OR POSES OR ACTS AS, A MEMBER OR PARTICIPANT IN A GROUP OR ORGANIZATION WITHOUT DISCLOSING TO THE GROUP OR ORGANIZATION AND TO ITS MEMBERS HIS FUNCTION AS AN AGENT;

3.6.1.3 **ELECTRONIC SURVEILLANCE OR EAVESDROPPING** OF ANY KIND;

3.6.1.4 **A MAIL COVER** (ACQUIRING INFORMATION FROM THE OUTSIDE SURFACE OF MAIL);

3.6.1.5 **A NONCONSENSUAL ENTRY OR SEIZURE** which means AN AGENT'S ENTRY ONTO A PERSON'S PREMISES, OR ACQUISITION OF A PERSON'S PRIVATE PAPERS, MAIL OR EFFECTS OR THEIR CONTENTS, WITHOUT A JUDICIAL WARRANT OR THE PERSON'S PRIOR EXPRESS CONSENT GIVEN WITH KNOWLEDGE OF THE AGENT'S FUNCTION AS AN AGENT. Private papers include all

papers that a person has not made available to the general public.

3.6.2 A police investigation may use an intrusive method that is directed toward First Amendment conduct only under the following conditions:

3.6.2.1 Other methods are insufficient to effectively obtain information necessary to the investigation;

3.6.2.2 The police executive's written authorization under §3.1.4 specifically permits the use of the intrusive method and explains why it is justified;

3.6.2.3 The details of the method's use, including all First Amendment information gathered, are fully documented for review;

3.6.2.4 Judicial warrants are obtained for any nonconsensual seizure of First Amendment information, including such seizures by informants and infiltrators;

3.6.2.5 The use of electronic surveillance or mail cover is in compliance with applicable state and federal statutes and regulations; and

3.6.2.6 Every informant or infiltrator is instructed as to the binding effect of the prohibitions of Part 2 and the duties under §§3.1.1 and 3.1.2 to avoid or minimize any impact on First Amendment conduct.

3.6.3 Infiltration of a group or organization engaged in First Amendment conduct is permitted only if it meets the requirements of Part 3.6.2, and in addition:

3.6.3.1 there exists reasonable suspicion that a crime has occurred, is occurring or is about to occur, and additional information from a reliable inside source is necessary to prevent serious injury to the public or to assure identification and

apprehension of the persons engaging in criminal conduct.

3.6.3.2 the Superintendent of Police personally approves the infiltration in writing, by a certification that particularly describes the group to be infiltrated; the crime which has been, is being or is about to be committed by the group or its members; the reasons why it could not be prosecuted or prevented without the infiltration; and the minimization procedures to be used by the infiltrator;

3.6.3.3 the scope and conduct of the infiltration is limited to the specific crime that is suspected, and no First Amendment information (other than incidental references) is gathered; and

3.6.3.4 the infiltration does not continue unless recertified by the Superintendent in the same manner as originally, at intervals of not more than [30 days].

3.6.4 While it is the intention of the parties that the requirements of this Part 3.6 be enforceable both as an injunction and through departmental discipline, it is not the intention of the parties that Part 3.6 create any right to the exclusion or suppression of evidence in a criminal prosecution.

4. IMPLEMENTATION OF THIS JUDGMENT

4.1 The Police Department shall adopt and maintain Department-wide administrative regulations implementing this Judgment (after notice to and consultation with counsel for the plaintiffs). The Department may modify such regulations from time to time, but only after reasonable notice to, and consultation with, the Chicago Police Board and counsel for the American Civil Liberties Union and the Chicago Committee to Defend the Bill of Rights. All such regulations shall be consistent with this Judgment. Violations of such regulations, including by supervisory personnel, shall subject the violator to departmental discipline.

4.2 All current employees of the Police Department, and all future

employees at the time of their hiring, shall be served with a copy of this Judgment. Training with respect to the requirements of this Judgment and the implementing regulations shall be provided:

- 4.2.1 to new recruits as part of the Police Academy curriculum; and
- 4.2.2 on a continuing, in-service basis to personnel of the Bureaus of Investigative and Community Services, all district tactical units, and all other units likely to engage in investigative activity covered by this Judgment.
- 4.3 All employees of the City of Chicago shall be given notice of this Judgment once every five (5) years, in the form of the summary ... Appendix D (see Item III-General Information), through enclosure in pay envelopes or a similar method. New employees, at the time of their employment, shall be furnished with a copy of the same notice.
- 4.4 The Superintendent of Police shall annually conduct a departmental audit of the implementation of and compliance with this Judgment and the regulations adopted under §4.1, and submit the audit report to the Mayor, the Police Board, and this Court for filing as a public record. The annual report shall include the number of authorizations issued under Parts 3.2 - 3.5, respectively; the number of infiltration approvals given under §3.6.3; a statistical analysis of the purposes for which authorizations and approvals were granted, the types of unlawful activities involved, the number of arrests and prosecutions based on such investigations, and other meaningful information; a summary of any internal disciplinary complaints concerning compliance with this Judgment or the related Departmental regulations and the findings made and actions taken on such complaints; and a description of other actions taken to implement this Judgment. The Superintendent's report shall not give information that would identify criminal informants or current sensitive criminal investigations, designated, by the Superintendent, that might be compromised by disclosure.

5. AUDITING AND MONITORING IMPLEMENTATION OF AND COMPLIANCE WITH THIS JUDGMENT

- 5.1 The Chicago Police Board shall have the following functions:
 - 5.1.1 To audit, monitor and evaluate compliance with this Judgment, and with administrative regulations adopted pursuant to the

Judgment , and to report to the Mayor, the Superintendent of Police and the public concerning its findings.

5.1.2 To consult with and make recommendations to the Mayor, the Superintendent, and other appropriate executive branch officials, from time to time, concerning the implementation and functioning of this Judgment, both to effectuate the purposes of the Judgment and to simplify its administration.

5.2 The Board shall conduct audits and inquiries appropriate to its responsibilities concerning this Judgment. In particular, it shall cause management audits to be conducted, by a national independent public accounting firm, of the implementation of and compliance with this Judgment and the regulations adopted under §4.1. The audit report shall include a description and evaluation of such implementation and compliance, as well as a discussion of any substantial violations observed or detected and any recommendations for improvement of performance that the auditors deem appropriate. Such audits shall be conduct in 1982, 1984, and thereafter at intervals of not more than five years. The audit report shall be made public, along with any report or recommendations which the Board, the Superintendent or the Mayor wishes to issue. The Board may make and may publish such other reports and recommendations as it deems necessary.

5.3 The Board and the management auditors, for the purposes of §5.1 and 5.2, shall have access to all relevant data in the possession of the city, including without limitation complete documentation of all investigations, except as provided in this paragraph. The auditors shall not have access to information specifically identifying criminal informants, or to current sensitive criminal investigations designated by the Superintendent that might be compromised by disclosure to the auditors (but all documentation of such investigations shall be retained under §3.1.7 to be audited after termination of the investigation). The auditors shall not disclose any information to anyone but the Board, or to the Superintendent of Police upon his request.

5.4 The Board shall have the following duties and limitations concerning the disclosure of information obtained from City agencies:

5.4.1 the Board shall not disclose, in any manner, details that specifically identify any investigations, except as provided in

§5.4.3. However, it may disclose general policy and performance data concerning the implementation of and compliance with this Judgment and the regulations, including paraphrased examples of investigations.

5.4.2 The Board shall not disclose, in any manner, information that would reveal the identity of a criminal informant, compromise an ongoing criminal investigation, or constitute an invasion of a persons' privacy.

5.4.3 If the Board learns of any substantial violation of this Judgment, is shall promptly notify the Superintendent of Police (or the Office of Municipal investigations if the matter involves personnel of a City agency other than the Police Department.) The official notified shall report back to the Board within 30 days what investigation was made and what corrective action was taken.

6. INDEX TO DEFINITIONS

6.1 Definitions appear at appropriate points in the text (and have been capitalized to facilitate understanding of the detailed provisions of the Judgment.)

6.2 Additional Definitions.

6.2.1 **Agent** means ANY OFFICER OR EMPLOYEE OF THE CITY OF CHICAGO; OR ANY PERSON PAID, CONTROLLED, OR DIRECTED BY AN OFFICER OR EMPLOYEE OF THE CITY; OR ANY PERSON WHO IS REQUESTED BY AN OFFICER OR EMPLOYEE OF THE CITY TO ENGAGE IN INVESTIGATIVE ACTIVITY.

6.2.2 **Person** means ANY INDIVIDUAL, GROUP OF INDIVIDUALS, OR ORGANIZATION.

6.2.3 **Record** means ANY PHYSICAL OR ELECTRONIC METHOD OF RETAINING INFORMATION.

II. RETENTION OF JURISDICTION AND ANCILLARY MATTERS

A. Retention of Jurisdiction by the Court.

Jurisdiction is retained by the Court for the following purposes.

1. To enable the parties to this Order to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Order, for the enforcement of compliance with the provisions contained herein, and for the punishment of the violation of any such provisions. Application to enforce such provisions or to impose punishment for any such violation may be presented to this Court by any person affected by the conduct complained of. Prior written notice of all such applications and other matters in this action shall be given to counsel for the named parties hereto. Except where emergency relief is sought, seven days written notice shall be given.
2. For the trial and adjudication of the damage claims against the City defendants.
3. The parties recognize that modification of certain procedural provisions of Part III (time periods and specification of authorizing police personnel) may be warranted in the future, on the basis of experience with implementation and administration of this Judgment. Those provisions are set off in brackets in the text of Part III.

Accordingly, after five years from the entry of this Order, the City of Chicago may undertake such modification in the following manner:

- a. The City shall serve the proposed modification of the bracketed provision(s) upon counsel for the named plaintiffs, together with a detailed statement of the reasons why the modification is warranted.
- b. The parties shall consult for a period of 60 days to determine if the modification can be made by agreement.
- c. If agreement is not reached the City may file its proposed modification and statement with the Court, and if no objection is filed by the named plaintiffs the modifications shall take effect 30 days after filing.

d. If the named plaintiffs file written objection to the proposed modification within 30 days, the Court shall determine whether the modification should be approved. The Court should approve the modification unless it does not meet the following standards:

- i) it facilitates police administration;
- ii) it is calculated to effectuate and not to thwart the basis purpose of this Judgment;
- iii) it is consistent with the substantive and the remaining procedural provisions of this Judgment; and,
- iv) it maintains or increases the effectiveness of the procedure it replaces, provided that an increase of a time period or a decrease of command level for an authorization shall not *per se* be considered less effective.

B. Final Disposition of Claims for Injunctive Relief Against City Defendants.

This Agreed Order, Judgment and Decree constitutes the final disposition of the claims for injunctive relief against the city defendants. The Court expressly finds and determines, pursuant to Rule 54 (b) of the Federal Rules of Civil Procedure, that there is no just reason for delay and directs that this Judgment be entered forthwith.

C. Ancillary Matters.

1. The Chicago Police Department intelligence files held in the document depository at Police Headquarters pursuant to this Court's orders of October 14, 1976, and May 4, 1977, shall be retained in the depository under the terms of those Orders until the final disposition of the damage claims against the city defendants and of all claims against the federal defendants, and their status thereafter shall be determined by future order of Court.

2. Plaintiffs will petition the Court to determine whether and in

what amount fees and costs will be awarded with respect to the matters resolved by this Agreed Order, Judgment and Decree. Defendants will file objections. The parties have made no agreement with respect to these questions.

END OF TEXT OF JUDGMENT ORDERS (74 C 3268 75 C 3295)

VIII. JUDGMENT ORDER CONCERNING ATTORNEY-CLIENT RELATIONSHIPS (76 C 1982)

The plaintiff having filed its complaint, and the plaintiff and the defendants having consented to the entry of this agreed order, judgment, and decree as to such parties without trial or adjudication of any factual allegation in the complaint or any issue of fact with respect to the alleged commission by said defendants of any unconstitutional, unlawful, or wrongful act, and without this Judgment constituting evidence of or an admission by any defendant with respect to any issue of fact herein or the commission of any unconstitutional, unlawful, or wrongful act;

Plaintiff in its complaint alleges in part:

1. surveillance at meetings of the attorneys and other individuals employed by, or working under the auspices of, the plaintiff, and the compilation of reports listing all persons in attendance at these meetings and detailing the statements made during these meetings;
2. use of secret informers and undercover agents to attend and report on private meetings and discussions during which attorneys employed by or working under auspices of the plaintiffs were engaged in private and privileged discussions related to pending and potential litigations;
3. maintenance by the Chicago Police Department of files reporting on the activities of the plaintiff and its employees, agents, and cooperating attorneys, including reports on meetings attended by officers, agents or employees of plaintiff, and further including detailed summaries of confidential or privileged conversations relating to the planning, investigation, prosecution of potential and pending lawsuits in state and federal courts;
4. disseminating and making available, both to other law

enforcement agencies and to individuals not involved with the functions of law enforcement, the information collected and maintained in the files of the Chicago Police Department relating to and reporting on the activities of the plaintiff;

5. all done with the improper purpose of interfering with the attorney-client relationship and with the intent of obtaining confidential and privileged information relating to pending and potential lawsuits;

Defendants deny the above five allegations of plaintiff's complaint. The parties however agree that the public interest requires the observance of and respect for the attorney-client privileges;

NOW, THEREFORE, this court having jurisdiction of the parties to this Agreed Order, Judgment and Decree and the subject matter of these actions under sections 1331 and 1343 (3) of Title 28 of the United States Code; and upon consent of the parties and approval of the court, it is hereby ORDERED, ADJUDGED AND DECREED as follow:

The City of Chicago, the individual defendants, their officers, employees, and agents, and all persons in active concert or participation with them [hereinafter referred to as defendants], are hereby permanently enjoined as follows:

I. PROHIBITED ACTIVITY.

- A. Defendants shall not conduct surveillance at, gather information or compile reports on, or maintain files or records regarding, meetings or communications, if--

1. as to the meeting or communication, there is a reasonable expectation of privacy and that the attorney-client privilege will attach; and

2. the meeting or communication--

- a. is between--

- 1) attorneys discussing the giving of legal advice or assistance in anticipated or pending litigation; or

- 2) an attorney and one seeking legal advice or assistance in anticipated or pending litigation; or
- 3) an attorney or attorneys and one or others engaged in assisting the attorney in the rendering of such advice or the giving of such assistance; and

b. involves--

- 1) the giving or seeking of legal advice; or
- 2) anticipated or pending litigation.

B. This prohibition shall not apply:

1. if the attorney, attorneys, or their assistants are, by such meetings or communications, participating in criminal activity; or
2. to a person who is a police officer, if such a person--
 - a. is known to the other participants in the meeting or conversation as a police officer; or
 - b. both--
 - 1) is attending the meeting or participating in the conversation as a private individual; and
 - 2) does not in his or her capacity as a police officer report on the meeting or conversation to any other defendant, except as allowed in IB.1.

II. ENFORCEMENT.

A. Institutional.

1. Training:

Training with respect to the requirements of this Judgment shall be provided to new recruits as part of the Police Academy curriculum; and on a continuing, in-service basis to personnel of the Bureaus of Investigative, and Community Services, all district tactical units, and all other units likely to engage in investigative activity.

2. **Notice to defendants.**

All present employees of the Chicago Police Department, and, in the future, all new employees, before resuming or assuming their official duties, shall be given a copy of this Order. In addition, the summary attached hereto as "Exhibit A" shall be given, through enclosure in pay envelopes or by a similar method, to each Chicago Police Department employee no less frequently than once every five years.

3. **Internal reporting.**

At any point at which any defendant knows or, by the use of reasonable diligence, should know that any defendant is engaged in activity prohibited by Part I hereof, the defendant with such knowledge shall have the duty to report such activity in writing to his or her immediate superior. Such superior shall have the duty to forward a copy of this written report, along with the superior's report, if any, to the office of the Superintendent of Police.

B. **Judicial.**

1. **Continuing jurisdiction.**

This court shall retain jurisdiction of this cause for the enforcement of this Order and to punish violations thereof.

a. **Persons who may apply for sanctions.**

Application to enforce this Order or to punish violations thereof may be presented to this court by any person affected by the conduct complained of.

b. **Notice.**

Prior written notice of all such applications and other matters in this action shall be given to counsel for the named parties hereto. Except where emergency relief is sought, seven days notice shall be given.

2. **Private action for damages.**

Any person affected by the conduct complained of, independent of a

request to this court for sanctions, may bring an action for damages if such cause of action apart from this order exists in state or federal court.

III. ANCILLARY MATTERS.

- A. This judgment represents the agreed disposition of all substantive claims by plaintiff against defendants.
- B. The court expressly finds, pursuant to Federal Rule of Civil Procedure 54(b), that there is not just reason for delay, and directs that this judgment be entered forthwith.
- C. **Attorney's Fees.**

Plaintiff will petition the court to determine whether and in what amount fees and costs will be awarded with respect to the matters resolved by this Agreed Order, Judgment and Decree. Defendants will file objections. The parties have made no agreement with respect to these questions.

END OF TEXT OF JUDGMENT ORDER (76 C 1982)

G.O. 92-1-2

Chicago Police Department

TITLE: THE FIRST AMENDMENT

ISSUE DATE: 3 July 1992

EFFECTIVE DATE: 4 July 1992

DISTRIBUTION: C

RESCINDS:

I. PURPOSE

This addendum:

- A. cites the First Amendment to the constitution of the United States.
- B. provides examples of specific rights of citizens protected by the First Amendment.
- C. states Department policy relative to citizens expressing First Amendment conduct.
- D. states Department policy relative to First Amendment investigations.

II. FIRST AMENDMENT

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

III. FIRST AMENDMENT CONDUCT

A. General Information

First Amendment conduct means conduct protected by the rights under the First Amendment of the Constitution of the United States of America to freedom of speech, press, assembly, petition and religion, including but not limited to the following rights:

1. the right to hold ideas or beliefs concerning public or social policy, or political, educational, cultural, economic, philosophical or religious matters;
2. the right to communicate or receive such ideas or beliefs, publicly or privately, orally, in writing or by symbolic means;
3. the right to associate and assemble publicly or privately with other persons concerning ideas or beliefs about public or social policy, or political, educational, cultural, economic, philosophical or religious matters (but not a right to associate or assemble for purposes unrelated to the right to hold and express such ideas or beliefs);
4. the right to advocate, for purposes related to such ideas or beliefs, "the use of force or of law violation, except where such advocacy is directed to inciting or producing imminent lawless conduct and is likely to incite or produce such action."
5. the right to advocate alternative system of government;
6. the right to petition the government or governmental officials for redress of grievances;
7. the right to associate for the purpose of seeking and giving legal advice as well as advancing litigation.

B. First Amendment Rights Upon Public Way or Public Place

1. Any person on the public way or in any public place has a right to:
 - a. express his views through any form of communication, including distribution or sale of newspapers, magazines, handbills or other printed matter; and
 - b. solicit financial contributions for political or religious causes.
2. Persons expressing political or religious views on a public way or in any public place are required to comply with all laws and ordinances prohibiting physical obstruction of the movement of persons and vehicles on the public way or place, damage to public or private property, and any and all other applicable laws or ordinances.
3. The sections of the Municipal Code of Chicago (MCC) delineated

below **do not apply to persons** who distribute or sell material containing **political or religious ideas** on a public way or other public place:

a. rescinded.

[Item III-B-3-(a) (Peddlers) rescinded, 14 Jun 1996, Facsimile Message 96-002311].

b. Chapter 4-152 (Itinerant Merchants).

c. The geographical restrictions on peddling in Section 10-8-520 (Street Vendors) and Chapter 10-36 (Parks, Playgrounds and Airports).

d. The prohibition against the distribution of handbills, dodgers and other material as contained in Section 10-8-270 (Distribution of Advertising Matter).

e. The prohibition against the placing of handbills, dodgers or other material on the windshield of automobiles or the distribution of those item to occupants of automobiles as contained in Section 10-8-310 (Placing Advertising Matter in Automobiles).

f. The prohibition against the solicitation of financial contributions on the public way or other public place as contained in Chapter 10-8 (Use of the Public Ways and Places) or Section 8-4-010-f (Begging or Soliciting Funds on the Public Ways).

C. First Amendment Investigations

1. Policy

It is the policy of the Chicago Police Department not to conduct investigations directed toward the exercise of First Amendment rights unless a valid governmental purpose is served. Police Department employees and agents may engage in investigative activity directed toward First Amendment conduct ONLY in a criminal, dignitary protection, public gathering, or regulatory investigation. Investigations which might impact on First Amendment rights will be conducted in accordance with the provisions of the Judgment Orders contained in the current Department directive entitled "First Amendment Investigations".

2. Appendix D to Agreed Order, Judgment and Decree (74 C 3268 and 75 C 3295)

"Legal Notice to all employees of the City of Chicago:

By the consent of the City of Chicago, the United States District Court has entered an Order dated April 8, 1982, protecting the right of individuals and groups to speak out, to petition the government, and to associate in the furtherance of economic, political, and religious objectives as provided by the First Amendment of the U.S. Constitution. No investigation, collection of information, or other action may be taken against individuals or groups exercising such rights except under exceptional circumstances for legitimate governmental reasons. The Court order provides that any investigation concerning activities protected by the First Amendment must follow specified procedures. Most of these matters are properly handled only by the Department of Police, but you are advised that the Court Order binds **all** City employees and agents so far as investigation or other action taken against individuals or groups exercising such rights."

3. Appendix A to Agreed Order, Judgment and Decree (76 C 1982)

"Under court order, city employees are forbidden to interfere with or investigate relations between attorneys and their clients. Violation of this order may subject you to discipline, citation for contempt of court, and a lawsuit for damage. If you suspect that a Department employee has violated this order, notify your supervisor immediately."

Matt L. Rodriguez
Superintendent of Police

91-071 RMM(AJB)

FACSIMILE MESSAGE

Issue Date: 14 June 1996

Message Number: 96-002311

To: All Department Members

G.O. 92-1-2 THE FIRST AMENDMENT
ISSUE DATE: 3 July 1992

From: Matt L. Rodriguez
Superintendent of Police

Message:

Reference: General Order 92-1, Addendum 2

Municipal Code of Chicago - Chapter 4-244-030 and 140
(Formerly 4-232)

The City of Chicago, Department of Law, has informed this Department that they have rendered a legal opinion relative to persons peddling merchandise (including items containing political or religious idea) in certain designated geographical districts within the City.

Members are advised that individuals selling merchandise in the areas prohibited by ordinance are peddling in violation of the ordinance and may be arrested without regard to the message that may be contained on the merchandise they are distributing or selling. Individuals may not circumvent the peddling ordinance by claiming their illegal actions are protected by the first amendment.

Members are advised to warn persons in violation of the ordinance, prior to taking enforcement action.

General Order 92-1, Add 2 entitled "First Amendment" is revised as follows:

Item III-B-3(a) (Peddlers) is rescinded.

Matt L. Rodriguez
Superintendent of Police

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JUDGE HART

JEFFREY C. WILSON

01C 9586

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF COOK

(EXCEPT IN U.S. PLAINTIFF CASES)

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JOSEPH T. FITZSIMMONS

ATTORNEY AT LAW

5908 N. NEVA ST. CHICAGO IL 773.631.8022

DEFENDANTS

DOCKETED

CITY OF CHICAGO
TERRY G. HILLARD
GEORGE A. ROSEBROCK
DANIEL G. MAHONEY
RICHARD MAJDER

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

COOK

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

MARA S. GEORGES

CORPORATION COUNSEL - CITY OF CHICAGO

30 N. LASALLE ST CHICAGO IL 60602

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- PTF DEF
Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determinator Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 449 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

This is an action seeking enforcement of the permanent injunctions issued in cases 74C 3268, 75 C 3295 and 76 C 1982 alleging violations of the First Amendment rights of the Plaintiff.

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

\$ 100,000.00

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ YES ☒ NO

VIII. This case ☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

17 Dec 2001

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

1-2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DOCKETED

DEC 19 2001

JUDGE HART

In the Matter of

JEFFREY C. WILSON,
Plaintiff,

v.

CITY OF CHICAGO, et al.,
Defendants.

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

Case Number:

01C 9586

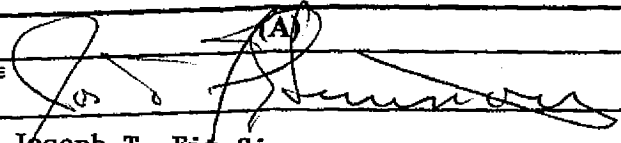
U.S. DISTRICT COURT

01 DEC 27 AM 9:04

FILED-ED4

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiff JEFFREY C. WILSON

(A)		(B)	
SIGNATURE 		SIGNATURE	
NAME Joseph T. FitzSimmons		NAME	
FIRM c/o: Chicago Police Lieutenants Assoc.		FIRM	
STREET ADDRESS 111 West Washington St.		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60602		CITY/STATE/ZIP	
TELEPHONE NUMBER 773. 631. 8022	FAX NUMBER 773. 631. 7077	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS fitzsimmons@aol.com		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

1-3