armed self-defense and whether that burden is comparably justified' as the burden imposed by § 922(g)(1)."

The "first federal statute disqualifying certain violent felons from firearm possession was not enacted until… 1938," the court noted, finding "no evidence of any law categorically restricting individuals with felony convictions from possessing firearms at the time of the Founding or ratification of the Second or 14th Amendments." The district court concluded that § 922(g)(1) "imposes a far greater burden on the right to keep and bear arms than the historical categorical exclusions from the people's Second Amendment right. The government has not demonstrated why the modern ubiquity of gun violence, and the heightened lethality of today's firearm technology compared to the Founding, justify a different result."

Glen's *ACCA* count was dismissed.

Meanwhile, in the Eastern District of Pennsylvania, a district court declared § 922(g) unconstitutional as applied to a man convicted of a DUI two decades ago.

Ed Williams had a prior drunk-driving conviction when he was arrested for DUI in Philadelphia 20 years ago. The prior conviction, combined with the fact that his blood alcohol concentration was three times the legal limit, made the second offense "a 1st-degree misdemeanor punishable by up to 5 years in prison." That was enough to trigger § 922(g)(1), which prohibits guns to anyone convicted of a crime carrying a maximum sentence of over a year in prison (not just felonies).

The district court ruled that "[p]rohibiting [Ed]'s possession of a firearm due to his DUI conviction is a violation of his Second Amendment rights as it is inconsistent with the United States' tradition of firearms regulation. The Constitution 'presumptively protects' individual conduct plainly covered by the text of the Second Amendment, which includes an individual's right to keep and bear arms for self-defense… Protected individuals presumptively include all Americans… The Supreme Court has held that an individual's conduct may fall outside of Second Amendment protection '[o]nly if a firearm regulation is consistent with this Nation's historical tradition…'"

The district court relied on the fact that the 3rd Circuit had "determined that Bryan Range, who had a qualifying conviction under Section 922(g)(1) for making a false statement to obtain food stamps and who wished to possess firearms to hunt and to defend himself, could not be denied his 2nd Amendment right to possess a firearm due to that conviction." The judge held that "the narrow analysis in *Range* also applies to the Plaintiff here."

*United States v. Prince*, Case No. 22-CR-240, 2023 U.S. Dist. LEXIS 196874 (N.D. Ill., November 2, 2023)

*Williams v. Garland*, Case No. 17-cv-2641, 2023 U.S. Dist. LEXIS 203304 (E.D.Pa., November 14, 2023)

# The new 'stop and frisk'? Chicago police make millions of traffic stops while searching for guns

Chicago police pulled over hundreds of thousands more drivers than they previously reported, but found guns in fewer than 1 out of every 150 stops, according to a new data analysis.

Ariel Mayberry was approached by two Chicago police officers in May 2020 while he was stopped at a gas station in the Washington Heights neighborhood on the South Side. His was one of nearly a half-million traffic stops Chicago police conducted that year. Verónica Martinez / Injustice Watch

It was the kind of traffic stop Chicago police made almost a half-million times that year.

Ariel Mayberry was parked at a Washington Heights gas station in May 2020 waiting for his order from the adjoining Sharks Fish & Chicken when two officers approached his car and asked about the tint in his windows. Officers later reported that the 29-year-old hesitated, rolled up the window, and rummaged through the car for a moment before producing his license.

Owing to Mayberry's "furtive movements," officers detained him and searched the car. They found an unloaded handgun and a bag of 45-caliber ammunition on the back seat, and a loaded magazine on the floor behind the driver's seat, according to the police report.

Mayberry, a registered gun owner, said that he had been to the firing range earlier in the day and that his gun was properly stored in a lockbox. But police reported that the gun and ammunition were improperly stored — unlocked and within arm's reach — and arrested him on charges of aggravated unlawful use of a weapon, a felony.

An analysis by Block Club Chicago and Injustice Watch found thousands of missing traffic stops that ended in gun-possession arrests in data Chicago police are required to report to the Illinois Department of Transportation.

To Chicago police officials, this was a success story. Mayberry's gun became one of more than 10,000 they reported taking off the streets in 2020. Mayor Lori Lightfoot, former police Superintendent David Brown, and their predecessors have long blamed Chicago's gun violence on a glut of illegal guns and pointed to gun seizures such as this one as proof that they're tackling the problem head-on.

To get those guns, police dramatically ramped up traffic enforcement on the city's South and West sides since 2015, stopping hundreds of thousands of Black and Latino drivers each year — even though only a tiny fraction of stops actually led to the seizure of illegal guns.

A new data analysis by Block Club Chicago and Injustice Watch shows police made hundreds of thousands more stops than they reported to state regulators.

The analysis found Chicago police have made more than 4.5 million traffic stops since 2015. In 2021, the year Chicago police were most successful at finding weapons in cars, officers made 156 traffic stops for every gun arrest.

In 2021, the year Chicago police were most successful at finding weapons in cars, officers made 156 traffic stops for every gun arrest. Verónica Martinez / Injustice Watch

Critics say the strategy relies on stops unrelated to road safety, leads to hundreds of thousands of unnecessary police interactions that alienate Black and Latino communities, and ensnares legal gun owners such as Mayberry in the criminal justice system for what often amounts to technicalities.

They also maintain that the approach fails to reduce violent crime.

"It's a terrible strategy. It's an illegal strategy. It's an unconstitutional strategy," said Craig Futterman, clinical professor at University of Chicago Law School and a frequent critic of Chicago police. "Targeting entire communities to stop them and treat them as criminals alienates those who most need support and protection. … That also makes police woefully ineffective at addressing real issues of violence."

receive 4th Amendment training as we emphasize constitutional policing in all of our public safety efforts."

# Two District Courts Find Felon-in-Possession Unconstitutional – 11/20/2023

November 20, 2023 lisa-legalinfo

We post news and comment on federal criminal justice issues, focused primarily on trial and post-conviction matters, legislative initiatives, and sentencing issues.

**RUMBLINGS OF 922(g) UNCONSTITUTIONALITY**

Even while the Supreme Court ponders *Rahimi* – the case that questions whether prohibiting people subject to domestic protection orders from having guns – lower courts are expressing doubts about whether 18 USC § 922(g), the statute prohibiting felons from possessing firearms, remains constitutional after the Supreme Court's 2022 *New York State Rifle & Pistol Assn v. Bruen* decision.

The leading decision against unconstitutionality, of course, is *Range v. Atty General*, a 3rd Circuit en banc decision last June. *Range* held that § 922(g)(1) was unconstitutional as applied to Bryan Range, who had been convicted of a welfare fraud offense 25 years ago. The government has filed for Supreme Court review in *Range* and asked SCOTUS to sit on the petition until it decides *Rahimi* next spring.

At the same time, the 8th Circuit went the other way in *United States v. Jackson*.

Down in the trenches, however, two federal district courts have held in the last several weeks that the felon-in-possession statute is unconstitutional.

In Chicago, Glen Prince – who the Government said had been robbing people at gunpoint on commuter trains – was arrested late one night while standing on a train platform with a gun. Ten days ago, a district court threw out his pending 18 USC § 922(g)(1) indictment – which alleged that Glen was *Armed Career Criminal Act*-eligible – as unconstitutional under *Bruen*.

The court ruled that *Bruen* did not hold that the Second Amendment categorically protects only law-abiding citizens, despite repeated use of such qualified language as "law-abiding citizens" in the decision. The district judge concluded instead that "the government has not met its burden to prove that felons are excluded from 'the people' whose firearm possession is presumptively protected by the plain text of the Second Amendment.

Because the right of a person with a prior felony conviction to possess a gun is presumptively protected by that Amendment, the court said, *Bruen* gives the government the authority to prohibit possession only when it can "demonstrate that the statute is part of this nation's historical tradition of firearm regulation… Where a 'distinctly modern' regulation is at issue, the government must offer a historical regulation that is 'relevantly similar' and… must determine whether historical regulations 'impose a comparable burden on the right of

"What these stops have shown is that they're not effective in advancing community safety," Foxx said. "What they are effective at is disenfranchising communities who rely on law enforcement, who also now feel a level of distrust."

## 'Another attempt to handcuff the police'

As the I-Team was first to report this week, Foxx has proposed to stop prosecuting cases where guns, drugs or stolen property are found during "non-public-safety traffic stops."

According to the draft policy proposal, "non-public-safety" reasons includes "expired vehicle registration, missing front license plates, license plate illumination, or headlights, signal lights or rear lamplight violations (unless both headlights or both rear brake lights are nonfunctioning,)" the document states.

To read the state's attorney office's proposed plan for prosecutions related to traffic stops, click here.

Foxx said the policy was written to correct a police strategy that her research found hasn't had an impact on public safety.

But the proposal has been met with much skepticism.

"This is just another attempt to handcuff the police and stop them from doing their job and keeping the community safe," said Bill Kushner, ABC7's police affairs consultant, and former suburban police chief. "No one I've spoken with, either within the CPD or within the state's attorney's office, thinks this is a good thing."

The Foxx plan has also prompted strong objections from Republican state's attorney candidate Bob Fioretti, who held a news conference Friday.

"Kim Foxx's proposed policy on not prosecuting gun crimes resulting from lawful traffic stops is a dereliction of duty, and that will cost lives in the neighborhoods of those who need the most protection," Fioretti said. "Prosecutors must use every legal tool in the toolbox to get illegal guns off the streets and keep our neighborhoods safe."

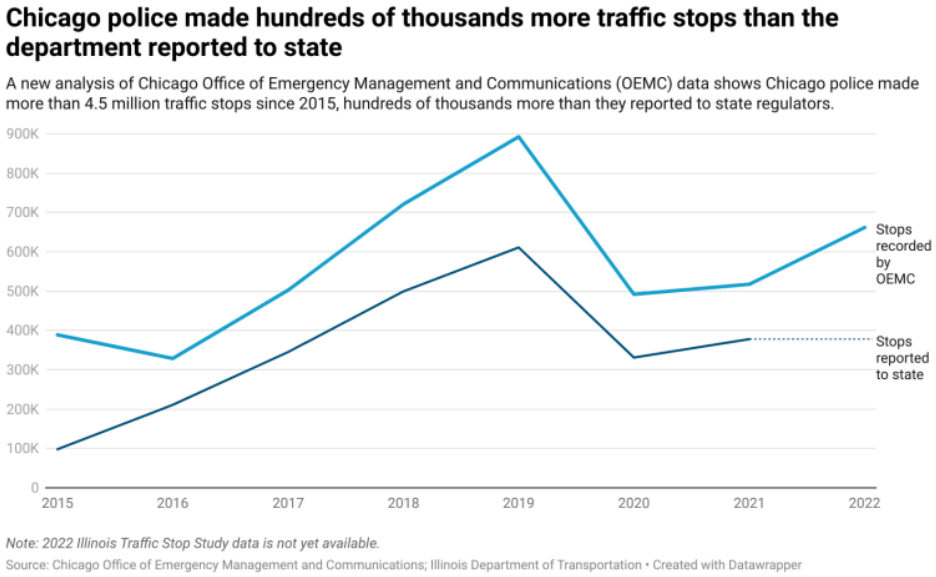
The I-Team asked for a response from the Democratic candidate for State's Attorney, but Eileen O'Neill Burke declined to comment on the proposed policy.

Government sources have told the I-Team that State's Attorney Foxx has sent the policy proposal to Chicago police.

Officials there tell the I-Team they don't comment on proposals but that Supt. Larry Snelling has made clear that CPD'S "efforts to reduce violent crimes do not center around traffic stops."

"CPD has seen a significant reduction in traffic stops this year compared to this time last year," a spokesperson for Chicago police said. "Additionally, our officers

While other cities, including Philadelphia and San Francisco, have reduced traffic stops for minor infractions, recognizing that they can be dangerous for both police and civilians, Chicago has doubled down on the strategy. Chicago police made more than 660,000 traffic stops last year, up nearly 28% from the previous year, according to the analysis of data from the city's Office of Emergency Management and Communication, which receives a call every time an officer makes a traffic stop.




The new findings come amid a tense mayoral runoff election dominated by debates over how to improve public safety and reduce gun violence. When asked if they'd continue the traffic-stop strategy, neither candidate — former Chicago Public Schools CEO Paul Vallas or Cook County Commissioner Brandon Johnson — answered the question.

Chicago police officials declined multiple requests for an interview and did not respond directly to questions about the rise in traffic stops or the strategy of using traffic stops to bolster gun recoveries.

But Marc Buslik, who retired in 2019 as police commander of the Town Hall (19th) District on the North Side, said the strategy gets guns off the street and deters drivers from carrying them in the first place.

"The bad guys see we're out here, but more importantly, the good guys see us out here," Buslik said. "If people think they're going to get stopped by police, they presumably aren't going to be as likely to do illegal activity."

For Mayberry, who took pride in exercising his Second Amendment right and considers himself one of the "good guys," the entire situation — the stop, the

search, and his arrest — made no sense. He said he had bought a gun in 2018 to protect himself and had always been a responsible gun owner.

“They were really just reaching for an excuse to interact with me,” Mayberry said. “My rights were violated. It really traumatized me.”

After more than a year and a half in court, prosecutors dropped all the charges against Mayberry. A spokesperson for the Cook County State’s Attorney’s Office did not answer questions about Mayberry’s case.

## From ‘stop and frisk’ to traffic stops

A Chicago police officer pulls over a driver in West Humboldt Park on March 29, 2023. Colin Boyle / Block Club Chicago

The meteoric rise in traffic stops can be traced back to a 2015 legal settlement between Chicago police and the ACLU of Illinois over the department’s use of pedestrian stops as part of a strategy known as “stop and frisk.”

In the years leading up to the settlement, the ACLU found that Chicago police had stopped hundreds of thousands of Black Chicagoans without clear justification, in violation of their constitutional rights.

The settlement in that case required the police department to create a new form for officers to document their reasons for stopping someone and the details of what happened during these so-called “investigatory stops.”

In 2016, the first year the new reports were in use, pedestrian stops fell dramatically, to about 57,000, from more than 330,000 the year before.

Within three years, the rise in traffic stops more than made up the difference. From 2016 to 2019, the number of traffic stops increased by nearly 200,000 each year, before dropping significantly at the start of the pandemic.

Wesley Skogan, a professor emeritus at Northwestern University who recently published a book on stop and frisk in Chicago, said the data show that police simply shifted their interactions in communities of color from pedestrian stops to traffic stops.

“There’s a lot of ways to police the public. Stop and frisk was just one of them,” Skogan said. After the ACLU settlement, “there’s not a shift of locale. There’s not a shift of focus. … It’s simply a different tactic.”

In the past, Chicago police stopped drivers relatively evenly across the city, according to data reported to the Illinois Department of Transportation. (While these numbers are incomplete, they are the only records of traffic stops that consistently include geographic data.) In 2014, the 4th District, covering South Chicago, had the most stops, followed by the 18th District, which includes the affluent neighborhoods of Streeterville, Gold Coast, and Lincoln Park.

## People v. Deshaun Carpenter

On a sweltering afternoon in May of 2018, Chicago police said they pulled over 28-year-old Deshaun Carpenter for a broken taillight.

Within 90 seconds, as seen in body-worn camera footage shared with the I-Team, Deshaun Carpenter was detained and officers began searching his vehicle from top to bottom.

Eventually, an officer peeled back the driver seat cushion to find a loaded pistol.

Carpenter, who has a felony record, was arrested for unlawful possession of a firearm. He claimed he had borrowed the vehicle from his girlfriend's friend and had no knowledge of the gun under the driver's seat.

But after a bench trial, Carpenter was found guilty and sentenced to seven years; a conviction he's since appealed.

"The main challenge here, based on the facts of the case that we put forward, was that there was no legitimate basis to pull Mr. Carpenter over, absolutely not," said Bill Wolf, Carpenter's attorney.

This past March, the Illinois state Appeals Court sided with Carpenter, overturning his conviction on grounds that the state hadn't proved Carpenter knew the gun was there.

The justices also questioned the legality of the stop, citing one of the officers that conducted the traffic stop admitting "on cross-examination that a single broken taillight was not a lawful basis for a stop."

In what they called a "rare occasion," the justices invoked their discretion to raise an issue that was not addressed in Carpenter's appeal: CPD's use of traffic stops.

"Fundamental justice calls for us to raise a concern vital to public safety," the opinion states. "What is known as 'driving while Black' is a pernicious reality that corrodes trust in law enforcement and the legal system."

"The record compels our posing a question, 'Would this stop have proceeded as it did had Carpenter been white?'" the opinion states.

To read the full Appellate Court ruling, click here.

The Cook County State's Attorney's office told the I-Team it does not comment on pending litigation, but it does plan to appeal the Carpenter decision.

Despite the appeal, outgoing State's Attorney Foxx agrees with the court's criticism of Chicago police's traffic stop strategy.

The policy is getting some blowback. Ald. Silvana Tabares (23rd) released a statement calling Foxx "reckless."

"This policy grants additional and extra protections to dangerous criminals using their vehicles to transfer weapons through our neighborhoods to commit crimes," Tabares said.

Former Ald. Bob Fioretti, who is the Republican nominee in the race to succeed Foxx as Cook County State's Attorney after she steps down at the end of her term in December, called the proposed policy change "a dereliction of duty that will cost lives in the very neighborhoods that need protection the most."

"Prosecutors must use every legal tool in the toolbox to get illegal guns off the street to keep our neighborhoods safe," he added.

# Appeals Court overturns gun conviction, questions legality of CPD traffic stop-and-search strategy

Strong opposition to proposed policy to not charge gun crimes found in 'non-public-safety traffic stops,' 1st reported by I-Team

ByBarb Markoff, Christine Tressel, and Tom Jones and Chuck Goudie
Friday, May 17, 2024 8:04PM ABC7 Chicago 24/7 Stream

CHICAGO (WLS) -- There's strong reaction Friday to an ABC7 I-Team investigation of a controversial Chicago police tactic: vehicle searches during traffic stops, especially in minority communities.

Critics have labeled CPD traffic stops as the "new stop-and-frisk," while law enforcement experts say the stops are vital in the fight against violent crime citywide.

Now, the ABC7 I-Team has learned in one of the rare cases where a gun was found during a traffic stop search, a man convicted for the crime could walk free from behind bars after the state Appeals Court overturned the conviction, and questioned whether the basis of the stop was unlawful.

While the Cook County State's Attorney's office plans to appeal that decision, as the I-Team first reported this week, State's Attorney Kim Foxx has proposed a new plan to not charge gun crimes if the firearms were found during traffic stops for expired license plates, busted turn signals and other minor infractions.

"We don't believe that police should be pulling people over for non-safety issues," Foxx told the I-Team earlier this week.

But within a few years, the geography of traffic stops in Chicago shifted. Since 2016, Chicago police have made a disproportionate number of traffic stops in Black and Latino neighborhoods on the South and West sides, including Austin, Lawndale, Englewood, Garfield Park, South Shore, and Avalon Park, the data show.

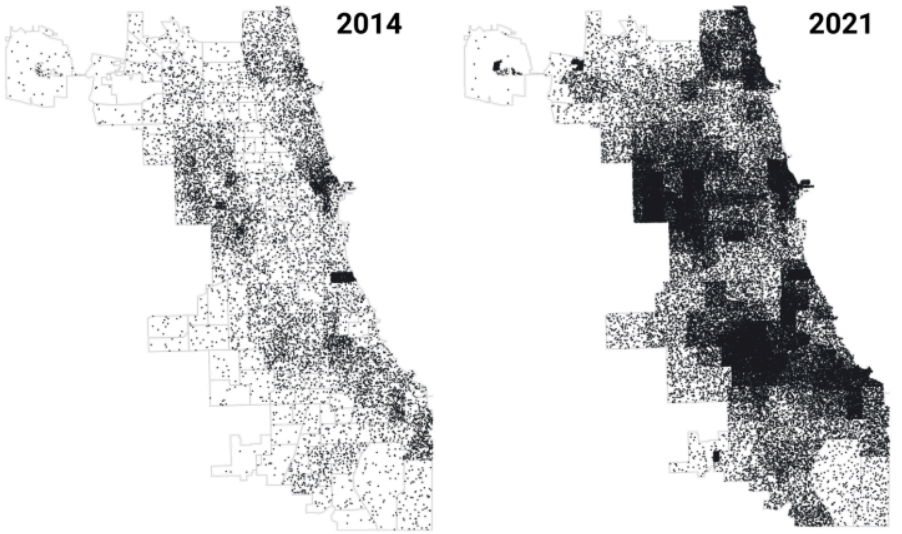
Chicago Community Policing Director Glen Brooks admitted in 2018 that Chicago police target traffic enforcement in neighborhoods that struggle with crime. But in 2021, then-Supt. Brown said the concentration of traffic stops in Black neighborhoods were not aimed at stopping other crimes.

Stop and frisk and the police department's traffic stop approach rely on what's known as "general deterrence" as a strategy for crime reductions, Skogan said. The idea is that more interactions will create the appearance of a high police presence in certain areas. That, in turn, might deter people from committing crimes. This approach to public safety hinges on "the fear of being stopped," even if police rarely encounter serious crime, Skogan said.

"You've got to have volume so everybody (in the neighborhood) knows somebody who has been stopped," said Skogan, who noted that the strategy puts a heavy burden on people who have done nothing wrong. "Being innocent — not carrying anything, just going about your business — does not insulate you from being stopped."

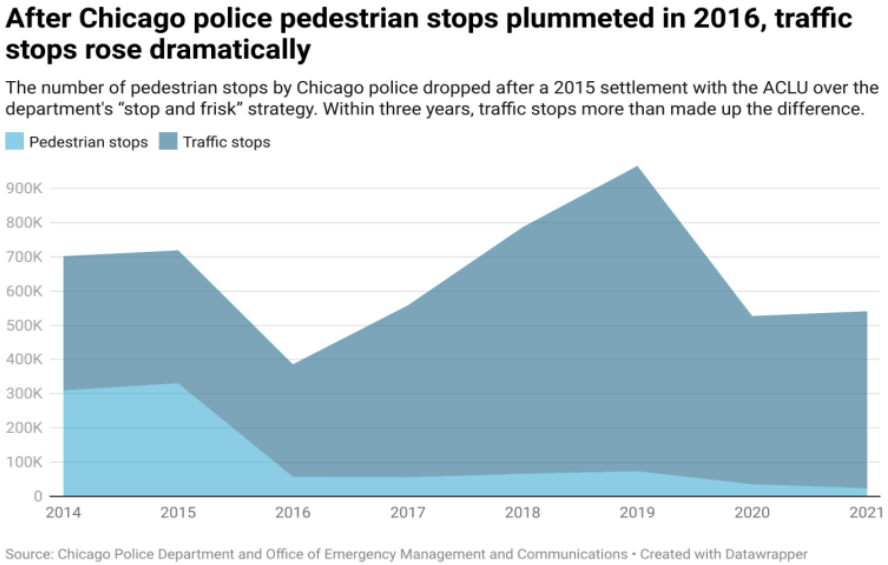
**CPD traffic stops are concentrated on South and West sides**

In 2014, before a legal settlement that curbed pedestrian stops, Chicago police stopped drivers fairly evenly across the city. Since then, the number of stops has increased significantly and traffic stops are now focused in predominantly Black and Latinx communities on the city's South and West sides.




**1 dot = 10 traffic stops**

Source: Illinois Traffic Stop Study. Maps: Hannah Cushman Garland




Frank Chapman, an organizer with the Chicago Alliance Against Racist and Political Repression, said there are consequences to making hundreds of thousands of stops in Black neighborhoods. He said Black drivers like him often walk away from police encounters over minor issues feeling racially targeted and harassed. He also pointed to the brutal beating death of Tyre Nichols by Memphis police officers earlier this year, saying it showed how a routine stop can escalate into a deadly incident with little provocation.

Frank Chapman, educational director and field secretary of the Chicago Alliance Against Racist and Political Repression, poses for a photo in his Woodlawn office on March 21, 2023. Colin Boyle / Block Club Chicago

“During the present climate of police violence against Black people, when a Black person is stopped, they more than likely are a little jittery about the whole thing, because it’s so prevalent that people are getting killed as a result of being stopped,” Chapman said.

## Are traffic stops effective at reducing gun violence?

Chicago politicians have long pointed to illegal guns as the cause of Chicago’s violence, but the almost singular focus on seizing guns rose under former Mayor Rahm Emanuel and his first police superintendent, Garry McCarthy.

Roger Bay, a district commander under McCarthy, said the demand for beat cops to recover more guns trickled down through the chain of command “like a game of telephone.” He said he disagreed at times with the “pressure to get numbers” but said the best way to find illegal guns is to have frequent interactions with people.

Foxx said her office it is working with local police and other partners to "refine and implement a policy that truly serves the best interests of our community" before making any actual policy change.

The draft policy is being floated in the wake of the death of Dexter Reed, who was shot and killed by police on March 21, during what police told the Civilian Office of Police Accountability was a traffic stop made because Reed was not wearing a seat belt.

While COPA has said Reed shot an officer in the wrist after he was pulled over, prompting three other officers to return fire, the agency has yet to rule on whether the traffic stop and subsequent shooting were justified. Chief administrator Andrea Kersten has questioned the veracity of the officers' claim that they pulled over Reed for a seat belt violation.

"Specifically, COPA is uncertain how the officers could have seen this seat belt violation given their location relative to [the] vehicle and the dark tints on vehicle windows," Kersten wrote in an April 1 letter to Chicago Police Supt. Larry Snelling. "This evidence raises serious concerns about the validity of the traffic stop that led to the officers' encounter."

Foxx said her proposed policy change is "a testament to our commitment to procedural justice and our resolve to address and rectify racial disparities within our legal system. We are listening to the voices in our community and taking meaningful steps to ensure a safer and more just future for all."

Data from a 2022 Chicago Office of Inspector General report found Black drivers were four times more likely to be pulled over than white drivers.

The inspector general's office analyzed nearly 2 ½ years of police stops and use-of-force incidents from Oct. 17, 2017, through Feb. 28, 2020, and found "an overwhelming disparity in the rates at which Black and non-Black people were stopped by the police." Those disparities happen in every district of the Chicago Police Department, regardless of the district's racial makeup.

"Black people were overwhelmingly disproportionately stopped by CPD, regardless of the demographic composition and crime level in the district of the stop," the report stated. "Black people were disproportionately subjected to force, regardless of district demographic composition and district crime level."

Overall, Black people make up approximately 30% of the city's population, but made up 68% of investigatory stops by police, and 84% of use of force incidents after investigatory stops during that time. From there, CPD was more likely to use higher-level force options against Blacks than against non-Blacks.

"Decades of data demonstrate that these stops do not enhance public safety. Instead, they perpetuate a cycle of mistrust and fear, especially in under-resourced communities. This draft policy is a crucial step towards rebuilding that trust. It recognizes the disproportionate impact these stops have on communities of color and aims to eliminate practices that lead to unfair and unjust outcomes," Foxx said.

The videos don't show Reed firing a gun. Police later found a weapon on the passenger side seat of his vehicle.

Footage from body-worn cameras offer glimpses into the confusing and distressing situation, including an officer who applied a tourniquet to a bleeding colleague.

"They don't know what they're walking into half the time," said Ryan Tobiasz, a psychologist who heads a forensic mental health program at Adler University in Chicago.

"They may be highly suspicious, on guard, hyper vigilant," he said. "Some of them will have a high startle response."

The police union blamed COPA for pitting the community against police.

Chicago Fraternal Order of Police President John Catanzara said officers "responded heroically" against someone who shot an officer.

"It turned into much more, not because of the officers," he said in a video statement this week.

# Kim Foxx may stop prosecuting drug and gun cases stemming from some traffic stops

By Todd Feurer Updated on: May 17, 2024 / 4:19 PM CDT / CBS

**CHICAGO (CBS) --** Cook County State's Attorney Kim Foxx is exploring a new policy that would direct prosecutors to reject gun and drug charges stemming from some traffic stops.

Under a draft policy that is still under consideration, prosecutors would not file drug, gun, and theft charges in cases that begin with minor traffic stops such as broken tail lights or having an expired vehicle registration.

Foxx said the policy is meant to end pretextual traffic stops that disproportionately target people of color, and rarely end in an arrest.

"In fact, data reveals that only 1 in 1,000 of these stops result in the discovery of a gun. More importantly, the psychological and emotional toll these stops inflict, particularly on Black and Brown drivers, is immeasurable and undermines the trust between law enforcement and the communities they serve," Foxx said in a statement on the draft policy.

"You're not going to sit in your police car waiting for a radio call of a man with a gun and expect he's still standing there when you get to the call," said Bay, a 32-year veteran of the department who served as deputy chief of street operations before he retired in 2018. So "you address the small things and you discover the big things."

As Chicago police have made more gun arrests, prosecutors are taking nearly all cases through the secretive grand jury process, where indictments are close to a sure thing.

But even in their best year, police found guns in just 0.6 percent of stops. Critics say even if police were able to seize significantly more guns, there are simply too many guns in circulation for the strategy to make a dent.

"You're taking sand from the beach sometimes," said Charlie Beck, who spent more than eight years as chief of the Los Angeles Police Department. He then became interim Chicago police superintendent for five months starting in December 2019.

There's little data on the number of guns circulating in Chicago. But experts say most unlicensed weapons were initially purchased legally. Statewide, more than 460,000 guns were sold last year alone, according to estimates based on FBI background checks. By that measure, the 12,716 guns Chicago police took off the streets were likely a drop in the bucket.

Robert Vargas, a professor of sociology at the University of Chicago who has studied gangs and policing in Chicago, said the department focuses on gun seizures to hide other deficiencies.

"The whole emphasis on guns is just moving the goalposts of evaluation metrics for how the police are performing away from dismal homicide clearance rates and toward metrics like gun seizures to create the appearance of police effectiveness," said Vargas, who recently wrote about the city's discourse around guns.

In recent years, Chicago police solved fewer than half of all homicides, well below the national average of 66% and lower than cities like New York and Los Angeles, according to a 2019 Department of Justice report. Killings of Black people are persistently less likely to be solved, and nearly half of all homicide cases closed by Chicago police in 2021 didn't result in criminal charges, a Sun-Times investigation found.

Beck said gun seizures are one important tool in curbing gun violence, but they can't be the only one. When the frequency of police encounters weighs too heavily on communities, it erodes their trust in police, he said. And that relationship is the most important factor in solving crimes.

"The long-term solution for reducing gun violence is creating more trust between the police and the neighborhoods impacted by violence," Beck said.

That challenge will soon fall to a new mayor and whomever he picks to run the Chicago Police Department. Beck cautioned that the incoming administration shouldn't have shortsighted goals that measure success by the number of gun recoveries or police encounters.

"Recognize this is a decade's worth of work, to reduce the violence level," he said.

# Chicago Police Department Consent Decree Set to Expand to Include Traffic Stops After Fatal Shooting of Dexter Reed

Heather Cherone | May 21, 2024 5:00 am

A federal court order requiring the Chicago Police Department to change the way it trains, supervises and disciplines officers is set to expand to include traffic stops, officials told WTTW News.

The move comes two months after four officers fired 96 bullets in 41 seconds during a West Side traffic stop, killing 26-year-old Dexter Reed.

All five officers, who told investigators they stopped Reed's SUV near the border of Humboldt Park and Garfield Park because they suspected he was not wearing his seat belt, remain on paid administrative leave and have not returned to active duty, a department spokesperson told WTTW News on Monday.

Investigators believe Reed fired at police first, wounding an officer, before four officers responded with deadly force, according to the Civilian Office of Police Accountability, the agency charged with investigating police misconduct.

Chicago Police Supt. Larry Snelling has agreed to allow a federal judge to oversee the department's use of traffic stops as part of CPD's commitment to "implementing substantive and lasting reforms rooted in constitutional policing as we work to build trust in our communities," according to a statement from the department to WTTW News.

CPD has already launched a review of the department's use of traffic stops and stepped-up efforts to train officers on their responsibility under the Fourth Amendment, which prohibits unconstitutional searches and seizures, according to the statement.

CPD has made approximately 70,800 traffic fewer traffic stops so far in 2024, as compared with the year before, while officers have made 425 more felony arrests after traffic stops than they did during the same period last year, officials said. That data could not be independently verified by WTTW News.

Chicago has been under a far-reaching plan for court-supervised reforms since 2019. The U.S. Justice Department had found a long history of racial bias and excessive use of force after police killed teenager Laquan McDonald.

Community activists called the officers to be fired immediately.

Chicago police have declined to comment on the investigation.

## THE STOP

Doubts have been raised about whether there was a seat belt violation that led to the stop.

Experts questioned tactical officers' involvement.

"Why would a police officer, not in uniform, bother with something like that?" asked Geoffrey Alpert, a researcher at the University of South Carolina specializing in high-risk police activities.

Reed's SUV had dark tinted windows, making it difficult for officers to see inside, Kersten noted in her letter.

"The available evidence calls into question the veracity of this account," Kersten wrote to Snelling.

Reed's family members were also skeptical.

"If he was supposedly pulled over for a traffic stop, why did they have four guns pointed at him?" Reed's sister, Porscha Banks, told reporters after the videos were released. "He was scared."

Meanwhile, the ACLU pointed to an alarming rise in Chicago traffic stops, which disproportionately affect Black and Latino drivers.

Chicago police reported fewer than 100,000 traffic stops in 2015, compared with more than 500,000 last year, according to advocacy group Impact for Equity.

## THE INVESTIGATION

The key to the deadly force investigation will be determining the threat to officers' lives.

Policing experts raised eyebrows over the number of shots, including after Reed was on the ground.

"All 96 shots need to be accounted for. That means, 'Why were they fired?'" Alpert said. "The only reason you can fire is if this guy is creating an imminent threat."

But about a week ago, the oversight agency's leader expressed "grave concerns" about the officers' actions in a letter to Police Superintendent Larry Snelling.

Officers in an unmarked police car stopped Reed for not wearing a seatbelt, according to COPA. But things devolved quickly as he appeared to refuse officers' commands and didn't immediately leave the SUV, according to video.

Reed fired first, according to COPA, leaving an officer with a wrist injury. Then four officers fired 96 shots in a span of 41 seconds, including after Reed exited the vehicle, fell to the ground and lay motionless. One officer alone fired 50 shots.

"Based on the totality of the available evidence, COPA has grave concerns about the officers' ability to assess what is a necessary, reasonable, and proportional use of deadly force," COPA Chief Administrator Andrea Kersten wrote in an April 1 letter obtained through a records request.

The American Civil Liberties Union also criticized the officers' actions, including for immediately drawing guns and making profanity-laced commands.

"From the moment they all jump into the vehicle to chase the car, you can feel the adrenaline rush," said ACLU of Illinois spokesman Ed Yonka. "There were no efforts at de-escalation."

## THE OFFICERS

The officers are on 30-day administrative leave during investigations by COPA and the Cook County state's attorney.

In her letter, Kersten recommended reevaluating the four officers' assignments and relieving them of police powers during the investigation.

State's Attorney Kim Foxx said her office was investigating the possibility of criminal charges.

The officers were part of a "district tactical unit," according to COPA. Chicago police say tactical officers have been part of each district's patrol for years. They're generally sent to areas with high crime patterns, working in uniform and sometimes in street clothes.

Earlier this year, Snelling halted a similar citywide unit, formed during unrest in 2020, that came under fire for sending officers into unfamiliar police districts, among other things.

Elsewhere in the country, elite units of plainclothes officers have faced scrutiny, particularly following the beating and death of Tyre Nichols in Memphis. While police say such units can respond to increased crime, advocates have called out aggressive tactics and traffic stops tzo search for larger crimes.

Representatives of Mayor Brandon Johnson did not respond to a request for comment Monday.

U.S. District Court Judge Rebecca Pallmeyer will hold a hearing on June 11 to hear testimony from Chicagoans about CPD's use of traffic stops, court records show.

The hearing will take place virtually from 10 a.m. to 12:30 p.m. June 11 via an online portal available here or by phone by calling 646-931-3860, access code 99967721132#. The hearing will continue in person from 1:30 to 4 p.m. in courtroom 2541 at the Dirksen U.S. Courthouse, 219 S. Dearborn St. Audio of the in-person session will be available by phone by calling 877-336-1839, access code 6708061.

Pallmeyer is responsible for enforcing the court order, known as the consent decree, which was prompted by a 2017 federal investigation that found officers routinely violated the constitutional rights of Black and Latino Chicagoans. After what is likely to be months of negotiations, the judge could order significant changes to the way CPD stops and searches motorists.

If Pallmeyer agrees to expand the consent decree's scope to include traffic stops as expected, it will be the third time the 5-year-old court order has grown in response to widespread public outrage caused by the actions of Chicago police officers.

After the monitoring team found CPD officers committed far-reaching misconduct during the protests and unrest triggered by the police murder of George Floyd on May 25, 2020, the consent decree added 17 requirements, ranging from new rules governing efforts to prepare for large protests and civil unrest to requirements that officers' body-worn cameras be reviewed after incidents.

In March 2022, the consent decree again expanded to include CPD's use of search warrants. CPD's use of search warrants had been in the spotlight since December 2020, when CBS2-TV aired video of officers raiding the home of Anjanette Young, a social worker who was handcuffed while naked during a botched raid in February 2019.

Pallmeyer declined to ban CPD from conducting no-knock warrants, to block officers from executing warrants to search for evidence of minor offenses, and to prohibit officers from pointing guns at people during raids and to require officers to wait for a minimum amount of time before making forced entry into a home or apartment.

In addition, the monitoring team and Illinois Attorney General Kwame Raoul, who is responsible for helping to enforce the consent decree, pushed CPD to craft a more restrictive policy governing when officers could chase people after Chicago police officers shot and killed 13-year-old Adam Toledo and 22-year-old Anthony Alvarez after foot pursuits.

**Raoul praised CPD for agreeing to additional oversight for traffic stops.**

**"This step forward would not be happening without the tireless advocacy of community organizations and residents who have been directly impacted by CPD traffic stops," Raoul said. "We are hopeful that the consent decree can be a useful tool in a broad-based effort to ensure that traffic stops no longer turn into tragedies."**

**The consent decree already required CPD to craft a policy governing foot chases, but officials did not fulfill that requirement until 2022, three years after the consent decree took effect.**

CPD has fully met just 6% of the court order's requirements, according to the most recent report by monitoring team, which was released in November.

The monitoring team's next report, expected by the end of June, "will include our assessment of whether the outcomes intended by the consent decree are being achieved and whether changes are necessary to expedite and sustain reform," according to a statement from Hickey, who is prohibited by the court order from discussing her work in public.

**Focus on Traffic Stops Continues**

News of the likely expansion of the consent decree comes as Cook County State's Attorney Kim Foxx considers adopting a policy that would prohibit her office from bringing charges when guns or drugs are recovered from traffic stops that were prompted by improper registration or equipment violations.

More than 51% of all drivers stopped by police officers in 2023 were Black, and nearly 31% of drivers pulled over by Chicago police officers were Latino. By comparison, just 13.6% of drivers stopped by Chicago police were White, according to a report from Impact for Equity, a nonprofit advocacy and research organization that has helped lead the push to reform the Chicago Police Department.

Reed, a Black man, was stopped in the city's Harrison (11th) Police District, where more than 10% of all traffic stops in Chicago took place in 2023, according to that report. The vast majority of residents who live in that police district are Black.

Approximately 73% of the traffic stops made by Chicago police officers in 2023 were prompted by improper registration or an equipment violation, according to the report.

Just 2.2% of those stops led to an arrest, and a gun was recovered in just 0.5% of stops, according to the report. Approximately 4.4% of stops led to a citation, according to the report.

A separate report from Chicago's inspector general released in March 2022 found that when a police stop results in an officer using force, 83.4% of those incidents involve a Black person.

Impact for Equity has called for Chicago officers to be banned from pulling over drivers because of improper registration issues or broken equipment, like the one that appears to have led to Reed's death.

The number of traffic stops conducted by Chicago police officers began to surge in 2015, when officers made less than 100,000 stops. After department officials agreed to curtail the use of stop-and-frisk as part of an agreement with the American Civil Liberties Union of Illinois after the civil rights organization found officers stopped Black Chicagoans at a far higher rate than Latino or White Chicagoans.

The team overseeing court-ordered reforms of the Chicago Police Department found in a report released in June that there was evidence to suggest a direct correlation between a significant increase in the rate of reported traffic stops by police officers as the number of pedestrian stops dropped.

The ACLU of Illinois sued the city in June, alleged the use of traffic stops by the CPD was the latest chapter of the city's "long and sordid history" of racist discrimination. That suit, which seeks to be certified as a class action covering millions of Chicago, is pending, court records show.

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# Deadly Chicago traffic stop where police fired 96 shots raises serious questions about use of force

by: SOPHIA TAREEN, AP Posted: Apr 10, 2024 / 04:49 PM

CHICAGO (AP) — A deadly traffic stop where plainclothes Chicago police officers fired nearly 100 shots in under a minute has raised serious questions about the use of force and role of tactical officers in departments.

As family and community members mourn 26-year-old Dexter Reed, a police oversight agency and Cook County prosecutors are investigating.

Here's a deeper look:

## 'GRAVE CONCERNS'

Videos and documents released this week by the Chicago Office of Police Accountability paint a harrowing picture of what happened during the March 21 traffic stop.