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Federal Court Certifies Class Action Lawsuit Against Chicago Police Department for its “Stop and Frisk” Policies & Practices under the Fourth Amendment to the U.S. Constitution

September 7, 2021

Romanucci & Blandin, LLC and Hart McLaughlin & Eldridge, LLC announce the certification of a class action lawsuit against the City of Chicago and the Chicago Police Department (CPD) for its widespread stop and frisk practices that disproportionately effect Black and Hispanic residents. At an August 31, 2021 hearing related to the case *Smith vs. City of Chicago*, Case. No. 1:15-cv-03467, Federal District Court Judge Andrea R. Woods orally ruled that Plaintiffs’ motion for class certification for injunctive relief for their Fourth Amendment claims was granted and a written opinion followed.

Pursuant to the U.S. Supreme Court precedent, a street stop can only be performed when there exists “reasonable articulable suspicion” – a crime has been committed or is about to occur. Plaintiffs allege that the CPD had a longstanding dragnet practice of stopping and frisking young and middle-aged minorities, predominantly men, within certain neighborhoods without any lawful justification – which is clearly unconstitutional. Plaintiffs allege that CPD’s stop and frisk program was brought to Chicago during the Rahm Emanuel mayoral administration, and it was modeled after a similar program in New York and New Jersey, which was determined to be unconstitutional. Plaintiffs’ landmark case is the first one to confront stop and frisk in Chicago.

In 2015, Romanucci & Blandin filed a class action civil lawsuit against the City of Chicago, which was later joined by Hart McLaughlin & Eldridge. The lawsuit alleges that CPD’s “stop and frisk” program is unconstitutional and disproportionately impacts minorities. The lawsuit alleges that CPD officers were directed to saturate certain neighborhoods in Chicago and stop “the right people” and “put your hands on them” without regard to whether there was a lawful basis to stop them in the first instance. This practice violates the Fourth Amendment and the guarantee to all citizens to be free from unlawful searches and seizures. According to Plaintiffs, CPD’s stop and frisk program is not only the result of these unlawful directives, but because there have been massive training deficiencies under the Fourth Amendment and an institutional lack of supervision and accountability.

Plaintiffs’ lawsuit followed an alarming March 2015 finding among other things, that in just a four-month period in 2014, CPD made more than 250,000 stops—of primarily Black residents and visitors—which did not lead to an arrest. Chicagoans were stopped at a substantially higher rate than New Yorkers in 2011, which was the peak of NYC’s stop and frisk regime. As a further example, in 2015, the percentage of stops by race and per population showed a stark disparity between White and African Americans:

In its August 31, 2021 ruling, the Court recognized there is merit to Plaintiffs’ allegations that the City of Chicago’s stop and frisk program caused widespread unconstitutional stops of Chicago residents. The ruling also serves as recognition by the Court that these practices and the resulting injuries, which include feelings of embarrassment and humiliation, are not isolated experiences by the handful of named plaintiffs, but impact a significant number of people.

In its opinion, the Court cited data from the case reflecting the number of CPD street stops by year and by race, showing not only a massive increase in street stops when the Chicago stop and frisk program was implemented in 2011, but that despite roughly equal populations among Whites, African-Americans, and Latinos, Latinos have been stopped by CPD on the street about twice as much as Whites, and African-Americans about seven or eight times more than Whites.

The judge’s written opinion from August 31, 2021 states: “Plaintiffs have made a sufficient showing that the City knew, or should have known, that its stop and frisk program was associated with a risk of widespread Fourth Amendment violations. The evidence shows that many contact cards contained facially insufficient justifications for investigatory stops and that the CPD’s own audits show a continuing (and worsening) pattern of unconstitutional stops under the ISR system. Moreover, Plaintiffs have adduced evidence that CPD’s response to this problem actually facilitated the coverup of unconstitutional stops, as evidenced by supervisors providing false information to officers to give stops the appearance of constitutionality.”

It continues: “...Plaintiffs credibly contend that the CPD implemented a department-wide stop and frisk strategy, failed to train its employees adequately in spite of well-documented and widespread constitutional violations, covered up evidence of police misconduct through the ISR review process, and took all those actions through a hierarchical chain-of-command structure extending to the CPD’s highest levels”.

In a September 1, 2021 opinion piece in the Chicago Tribune,

<https://www.chicagotribune.com/opinion/editorials/ct-editorial-police-force-shootings-chicago-20210901-gx3x3nmkxbe6vhq4a2ukijokqi-story.html>, editors address the damage done to community trust by policies and practices like stop and frisk saying, “Attention understandably goes to the horror of a citizen shot by a police officer, but there is real evidence not only that the daily drip of encounters with police force does profound damage to how people of color view police, but that those seemingly minor incidents actually then make it harder to keep killers off the streets of our city.”

Plaintiffs are represented by Romanucci & Blandin Founding Partner Antonio M. Romanucci and Attorney Martin D. Gould, as well as Partners Steven Hart, Brian Eldridge, and Jack Prior of Hart McLaughlin & Eldridge.

In addition to seeking financial compensation for the named plaintiffs, this case includes the demand of injunctive relief and the implementation of new policies and procedures to change CPD’s current practices. A verdict or settlement in favor of the plaintiffs in this case would result not only in change of such policies and practices in the Chicago Police Department, but oversight of the reform by a federal judge. It is important to note that the decision by the Judge to authorize a class action in this matter is for injunctive relief only for the class, meaning that a successful result will be court-ordered reform of CPD policies and practices. There will not be damages or a financial award for the million or more members of the class who had been wrongfully involved in stops and frisks, based on the decision by the Court. There are no steps, registration or calls needed by the members of this class in the community.

According to Plaintiffs’ motion, significant court-ordered reforms are needed to address this long-standing policy and practice. Plaintiffs’ motion calls for better training, supervision and accountability systems, more community involvement, policy changes, and most importantly, binding judicial oversight is needed.

“This is a landmark ruling in the City of Chicago. When you see the disparate nature of the stops that overwhelmingly targeted Black and Hispanic men, and you add up the sheer number of stops over the years – well above 2 million – it is clear to see how the community trust in police has eroded to where it is today. With a systemic cultural cancer of this magnitude in CPD, properly identifying the problem is the first

crucial step in healing it,” said Antonio M. Romanucci of Romanucci & Blandin, LLC. “This practice has to stop – and elevating this issue to a class action provides a way to make significant change and make our community better.”

“It is incredibly powerful that a federal judge reviewed the evidence of our case and not only felt it was compelling but that it is likely many, many others have similar cases. This class action has the possibility of being the catalyst to improve some deep-seated discriminatory issues in Chicago and to impact the city’s Black and Hispanic communities in a meaningful way,” said Steven Hart of Hart, McLaughlin & Eldridge.

“Those who are stopped by the police for no lawful reason resent the actions of the police, are scared and are put through a dehumanizing experience. While the stop may last only a few minutes, there are long-term consequences that harm the citizen and erode any trust the police may have built in the community,” said international policing expert Geoff Alpert, Professor of Criminology and Criminal Justice at the University of South Carolina. “On the one hand, the police may miss an opportunity to seize drugs or guns or even evidence of crimes by stopping and frisking citizens. On the other hand, there is a price to pay individually and socially. Those stopped resent the police, will not trust them, or have confidence in their words or actions. This may well lead to a loss of information about crime and lead to more disorder in the communities where this occurs.”

About Romanucci & Blandin, LLC

Romanucci & Blandin is a national trial practice committed to fighting for victims of negligence, abuse and wrongful death arising from police misconduct, corporate negligence, civil rights actions, medical malpractice, mass torts and class actions. The attorneys’ steadfast commitment to fighting for those seeking justice around the country has helped the firm obtain multiple verdicts and settlements in the millions of dollars. The Chicago-based personal injury lawyers are dedicated to providing victims who suffered injury as a result of another’s wrongdoing full and fair compensation in a diligent, professional, skilled and caring manner. The lawyers actively support their communities and provide advocacy at the national, state and local levels on issues that support the U.S. tort system. Founded in 1998, Romanucci & Blandin is widely recognized for representing plaintiffs in numerous practice areas including: personal injury, wrongful death, medical malpractice, workers’ compensation, pharmaceutical, mass torts, civil rights, police misconduct, excessive force, aviation, product liability and premises liability. For more information about Romanucci & Blandin, please visit www.rblaw.net or call (312) 458-1000.

About Hart McLaughlin & Eldridge

Hart McLaughlin & Eldridge, LLC (“HME”) is a firm of trial lawyers specializing in mass tort and class action cases. The attorneys at HME practice on a nationwide basis in both federal and state courts and are actively involved in some of the largest and most significant mass tort and class action cases in the country. HME lawyers have particular expertise in civil rights, toxic torts, and complex civil litigation. For more information about Hart McLaughlin & Eldridge please visit www.hmelegal.com or call (312) 955-0545.