

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

COMMUNITIES UNITED;	)	
COMMUNITY RENEWAL SOCIETY;	)	
NEXT STEPS NFP; ONE NORTHSIDE;	)	
and the ACLU of ILLINOIS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE CITY OF CHICAGO,	)	
	)	
Defendant.	)	
	)	

Case No. 17-cv-7151  
Hon. Elaine Bucklo

**AMENDED COMPLAINT**

Plaintiffs Communities United, Community Renewal Society, Next Steps, ONE Northside, and the ACLU of Illinois allege as follows:

1. For decades, Chicagoans have complained and a series of government-authorized investigations have found that the Chicago Police Department (“CPD”) habitually uses unnecessary force. Earlier this year the U.S. Department of Justice (“DOJ”) found that “CPD officers engage in a pattern or practice of using force, including deadly force, that is unreasonable” and “CPD officers’ force practices unnecessarily endanger themselves and others and result in unnecessary and avoidable shooting and other uses of force.”

2. Black and Latino Chicagoans are disproportionately victimized by the CPD. Ninety-six percent of the people shot by the CPD, and ninety-seven percent of people Tased by the CPD are black or Latino. Racism embedded in the CPD’s policing tactics results in the CPD having more contacts with black and Latino residents, during which officers use other forms of unnecessary force.

3. This brutality is also magnified for people with disabilities, who disproportionately interact with and are more likely to experience violence by the CPD. Nationally, an estimated one-third to one-half of people killed by police have a disability, with approximately one-quarter of people killed having a mental illness. Non-lethal uses of police force also disproportionately involve people with disabilities. The City of Chicago deploys CPD officers armed with guns and Tasers but not deployed with critical de-escalation skills, and in doing so subjects residents, police officers, and bystanders to harm. When people with disabilities are subjected to CPD's use of force, the role that their disability played is often either ignored or cited to blame the victim.

4. Many black and Latino residents live in fear that a routine interaction with the police will quickly escalate into severe injury or death. Individuals with disabilities—including those with mental illness, who are deaf, or who have intellectual or developmental disabilities—similarly fear that the City's practice of dispatching inadequately trained (yet lethally armed) officers to respond to their emergency calls will end in tragedy. Black and Latino people with disabilities face the combined threat of more contacts with the CPD and of interacting with officers who do not know how to safely serve individuals with disabilities.

5. Public safety is at risk. The unjustified force authorized by the City and exercised by some of its police officers is delegitimizing the CPD and undermining all officers' ability to do their job. When police officers are not trusted by the communities they are assigned to protect, officers are unable to build and maintain the relationships necessary to prevent and solve crimes.

6. In response to media attention to particularly appalling episodes, and to external reports emphasizing the urgency of the problem, the City has pledged over and over again to

self-reform. Decades of half-measures and empty promises from politicians show that the City is unable or unwilling to do so. As long as the City continues to engage in unlawful policing practices that victimize—rather than serve—individuals in Chicago, public safety will continue to be threatened and police officers’ lives needlessly put at risk.

7. Plaintiffs bring this civil rights action to permanently enjoin the City’s unlawful actions. The City cannot continue to evade judicial review of its unconstitutional policies and practices by spending tens of millions of dollars annually to privately settle victims’ claims. The DOJ found that the necessary policing reforms “will likely not happen or be sustained without the reform tools of an independent monitoring team and a court order.” Officials across the political spectrum agree.

8. City leadership initially promised to work with the DOJ and then, more recently, with the Illinois Attorney General to implement reform. And yet, ten months after the DOJ issued its findings, neither an independent monitor nor a plan for reform has been ordered or agreed upon, and disability is not even acknowledged in the lawsuit the City has publicly promised to settle. Plaintiffs bring this action to ensure that public safety—and particularly the safety of people of color and people with disabilities—does not continue to be compromised as political winds shift.

### **JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1367.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) and (2), because a substantial part of the events giving rise to Plaintiffs’ claims occurred in the Northern District of Illinois and the City resides in this district.

## PARTIES

### *Plaintiffs*

11. Each Plaintiff brings claims on behalf of its organization and on behalf of their members with the exception of the ACLU, which brings claims only on behalf of its members.

12. **Plaintiff Communities United** is a private, non-partisan, nonprofit corporation incorporated under the laws of Illinois with its principal place of business located in Chicago, Illinois. Communities United is an organization that uses grassroots community organizing to alleviate social inequality. Its mission is to develop local leaders to address issues and bring about policy change on a variety of social justice issues. Communities United addresses the following issue areas through its organizing: immigrants' rights, affordable housing, public education, healthcare, violence prevention and gang involvement of young people, and workers' rights. Communities United has more than 500 individual members in Chicago.

13. Communities United, as a part of an alliance of community-based organizations from across Chicago, advocates to strengthen Chicago Police Department accountability structures and to improve policing in Chicago through the formation of a civilian community oversight board. Communities United has also organized youth around policing issues, created a police "bill of rights," conducted know-your-rights trainings for police interactions, and advocated on the issue of police interactions with undocumented people. Additionally, in a partnership with the Adler Institute on Public Safety and Social Justice at the Adler School of Professional Psychology, Communities United is a member of "Right On Justice," an initiative aimed at identifying and dismantling punitive policies at the school and community level, advancing restorative justice alternatives to criminalization of communities of color, and reforming the justice system.

14. **Plaintiff Community Renewal Society** (“CRS”) is a private, non-partisan, nonprofit corporation with its principal place of business located in Chicago, Illinois. CRS operates with a Board of Directors, staff, and members. CRS is a faith-based organization that represents at least 10,000 people through its approximately 70 member congregations, more than 30 of which are in Chicago. CRS is a 135-year-old organization that works with people and communities to address racism and poverty. One of CRS’s primary campaigns is police accountability and reform.

15. The mission of CRS is to inform and bring people of faith and congregations together, in partnership with communities, coalitions, interfaith organizations, and civic leaders, to intentionally and decisively transform society toward greater social justice at the intersection of racism and poverty. For example, CRS organizes its member congregations to create “faith in action” teams within each congregation to work on a variety of issues at the local level, including housing, employment, and state- and county-level work. However, in the past several years, CRS members and their “faith in action” teams have had to focus primarily on reforming the Chicago Police Department. CRS has at least 25 “faith in action” teams, comprised of at least 300 members of CRS congregations. More than 1,000 members of CRS congregations participate in their annual Martin Luther King Day convening.

16. **Plaintiff Next Steps** NFP (“Next Steps”) is a private, non-partisan, nonprofit corporation incorporated under the laws of Illinois with an office in Chicago. Next Steps’ mission is to ensure that people with lived experience of homelessness, mental illness, substance use, and/or substance abuse lead the development and implementation of health care, housing, and social policies at the state and local levels. A core tenet of Next Steps is: “nothing about us without us.” Next Steps works to include people with lived experience of severe mental illness at

every table, as laws are made, when policy is discussed and decided, while funding is allocated, and where education is delivered.

17. Next Steps has a Board of Directors, employees, and supporters, including people who live, work, and spend time in Chicago. It was recently charged by a federal grant to ensure that a network of people with lived experience with mental illness can participate in policy decisions that impact them. A majority of the Board of Directors of Next Steps are people with lived experience with mental illness; the Board is comprised of people who are black and Latino.

18. **Plaintiff ONE Northside** is a private, non-partisan nonprofit corporation with its principal place of business located in Chicago, Illinois. ONE Northside's mission is to achieve racial, social, and economic justice. To that end, ONE Northside practices community organizing in the areas of violence prevention, public education, affordable housing, healthcare and mental health justice, youth empowerment, and economic justice. ONE Northside has specifically done community organizing about and offered policy assistance to the CPD in an effort to reform its policies and practices. ONE Northside engages community members from the Rogers Park, Edgewater, Uptown, Ravenswood, North Center, Lakeview, and Lincoln Park neighborhoods of Chicago. These diverse communities are home to some of the populations most vulnerable to the Chicago Police Department's unconstitutional practices—racial minorities, people with disabilities, immigrants, and low-income individuals. ONE Northside is a membership organization, with about 100 organizational members and more than 600 individual members in Chicago.

19. **Plaintiff ACLU of Illinois** (“ACLU”) is a non-profit, non-partisan, statewide organization located in Chicago, Illinois. The ACLU operates with a Board of Directors, employees, and members. The ACLU has more than 27,000 members who reside in Chicago.

20. The ACLU is dedicated to protecting and expanding the civil rights and civil liberties enshrined in the United States Constitution, the Illinois Constitution, and state and federal civil rights laws. The ACLU advocates on behalf of people harmed by unconstitutional policing practices in the City of Chicago, including practices that disproportionately impact people of color. For example, the ACLU has brought litigation to challenge the City's practice of unlawful surveillance, unsafe police transports, unjustified arrests, unconstitutional stop-and-frisk practices, and other warrantless searches and seizures. The ACLU also works to protect people with disabilities from unlawful discrimination and segregation. Many of these cases have resulted in court orders requiring the City to change its policies and refrain from engaging in unlawful and discriminatory practices.

***Defendant***

21. Defendant City of Chicago ("City") is a municipal corporation, as defined in the Illinois Municipal Code, 65 ILCS 5/1-1-2(1). The City is located in the Northern District of Illinois.

22. The City is organized into various departments, including the Chicago Police Department ("CPD"). The City owns, operates, manages, directs, and controls CPD, which is the City's primary law enforcement agency.

23. As of February 21, 2017, there were a total of 12,051 sworn officers in the CPD, according to the City's Office of Inspector General.

24. The City funds and operates municipal entities that oversee certain aspects of the CPD, including the Office of Inspector General ("OIG"), the Police Board, the CPD's Bureau of Internal Affairs ("BIA"), and the Independent Police Review Authority ("IPRA"), which recently was renamed the Civilian Office of Police Accountability ("COPA").

25. The City also owns, operates, manages, directs, and controls the Office of Emergency Management and Communications (“OEMC”). The City has OEMC manage incidents, operate communications systems, and provide technology to support services provided through the City’s other departments. OEMC is responsible for answering 911 emergency calls and dispatching officers to respond to emergencies in the City of Chicago.

### **FACTS**

#### **I. Chicagoans Have Been Injured by—and Are at Continuous Risk of Being Subjected to—Unreasonable Use of Force by Chicago Police Officers.**

##### **A. The CPD Engages in a Pattern of Using Excessive Force.**

26. In January 2017, the DOJ found that “CPD officers use unnecessary and unreasonable force in violation of the Constitution with frequency, and that unconstitutional force has been historically tolerated by the CPD.” It noted that because “officers’ accounts of force incidents were later discredited, in whole or part, by video evidence[,] . . . the pattern of unreasonable force is likely even more widespread than we were able to discern.” (Ex. A, at 6.)

27. The City’s publicly released data demonstrate a propensity to use lethal levels of force. CPD officers shot at least 50 people in the two years prior to this lawsuit. At least 21 of these shootings were fatal. At least 7 more people have died in an “officer-involved motor-vehicle death.”

28. CPD officers Tased more than 715 people in the two years prior to this lawsuit.

29. The DOJ found that CPD officers use Tasers on suspects who flee under suspicion of minor offenses. For example, one officer shared with the DOJ that he or she used a Taser against someone suspected of a minor property crime as the suspect fled. The DOJ determined that the force was unreasonable and “unconstitutional on its face.” (*Id.* at 32.) The DOJ also found unnecessary the use of a Taser on a 110-pound boy who fled after he was caught

painting graffiti on a garage. Taser use on suspects for low-level offenses who flee is just one manifestation of CPD's pattern and practice of using excessive force.

30. The DOJ also found that officers were resorting to Tasers as a "tool of convenience, with insufficient concern or cognizance that it is a weapon with inherent risks that inflicts significant pain." (*Id.* at 33.) For example, the DOJ described viewing a video in which a woman exited her car and placed her hands on her vehicle, after which officers threw her to the ground, hit her, and Tased her. The DOJ's report also highlighted the potentially deadly consequences of unnecessarily using a Taser by describing incidents such as when an officer Tased a man trying to flee under suspicion of petty theft from a retail store, causing the man to fall, hit his head, and die.

31. CPD causes more people to die than those it reports as gun fatalities and motor-vehicle deaths, and it severely injures more than those people it admits to shooting or Tasing. In the two years prior to the filing of this case, the City reports that there were 100 "extraordinary occurrences," a classification it uses to combine a death or injury to a person while in police custody or "other extraordinary or unusual occurrence in a lockup facility."

32. Approximately 50% of the investigations opened by IPRA in the two years prior to this lawsuit were related to excessive force by a CPD officer.

33. City leaders are aware of the culture of excessive force within the CPD. In 2016 Eugene Williams, a 36-year-CPD-veteran whom the Chicago Police Board recommended for Superintendent of CPD, stated, "I believe that that the Chicago Police Department and law enforcement in general have been steeped in a 'warrior mentality' (kicking butts and taking names) for much too long. Collectively, we have been slow if not recalcitrant to change as if we are stuck in a time warp back in the 1980's. Law enforcement has operated in that vacuum for

many years where their testimony was almost always accepted by the courts. Our word was almost always taken over that of an arrestee or a citizen. This phenomenon has created a dangerous culture in law enforcement.”

34. Numerous Chicagoans have been victims of CPD’s excessive force and hundreds have individually sued the City. The City opts to settle cases for money to compensate for the harms that it causes, but fails to fix the system that continues to perpetuate those harms.

35. Between 2011 and 2016, the City paid \$280 million to settle 943 police misconduct cases, plus another \$91 million for outside lawyers to help defend police officers in those suits.

36. Of the few cases that the City chooses to litigate without settlement, juries have found evidence of excessive force and awarded monetary judgments against the City—including, for example, an award of almost \$5 million by a federal jury in September 2017.

**B. CPD’s Use of Force Is Disproportionately Harming Black and Latino Residents.**

37. Chicago Police Department officers are much more likely to stop or pull over black and Latino Chicagoans than white ones. In 2016, 29.3% of Chicago’s residents were black, 29.7% were Latino, and 32.6% were white. Yet that same year in Chicago, Illinois Department of Transportation data reveals that black drivers comprised 60.5% of CPD’s vehicle stops, and Latino drivers comprised 20.3%, while white drivers only accounted for 15.9%.

38. The disparity is even more glaring in CPD’s pedestrian stops: During the first six months of 2016—the most recent data available—almost 71% of people stopped were black, 21% were Latino, and 8% were white.

39. The CPD’s disproportionate contacts with black and Latino Chicagoans means that the City’s authorization to use unreasonable and unnecessary force has a disparate impact on

them. In 2016, 97% of people shot by CPD officers were black or Latino. There are no signs that the racial bias in CPD's use of force is improving. From 2008-2015, 88% of people shot by the police were black or Latino.

40. In 2016, 97% of people Tased by CPD officers were black or Latino. Again, the racial disparity of CPD's use of force is worsening. From 2012-2015, 89% of those Tased by police were black or Latino.

41. Even in majority-white neighborhoods with little violent crime, officers disproportionately use Tasers on black people. For example, in the past decade in Chicago's Shakespeare District, 43% of the people officers used Tasers on were black, even though black people made up only 10% of the population of the district in 2010.

42. Given the CPD's larger number of contacts with black and Latino Chicagoans, they are disparately exposed to the policies and practices described herein, and which result in unlawful and unjustified uses of force.

43. Other types of force are also disproportionately levied at black and Latino Chicagoans. The City's own Police Accountability Task Force ("Task Force") found that black people were twice as likely as white people to be threatened with a weapon by a CPD officer. Compared to white people, all other groups were at least twice as likely to have been subjected to some form of force by a CPD officer.

44. The Task Force admitted that CPD's own data gave "validity to the widely held belief the police have no regard for the sanctity of life when it comes to people of color." (Ex. B, at 7.)

45. The City's oversight system for CPD is also racially disparate. The Task Force found that the BIA and IPRA were nine times more likely to sustain a police misconduct

complaint by a white filer than by a black one, and three times more likely for white filers when compared to Latino filers.

46. This racial disparity also exists when IPRA evaluates allegations of excessive force. The DOJ found that white complainants were three times more likely than black complainants to have CPD sustain their allegations of excessive force, and six times more likely than Latino complainants.

**C. CPD Officers Exhibit Racial Animus.**

47. The City's Task Force heard "over and over again" that some CPD officers are racist, have no respect for the lives and experience of people of color and approach every encounter with people of color as if the person, regardless of age, gender or circumstance, is a criminal.

48. The DOJ also found that the CPD's pattern or practice of misconduct and systemic deficiencies resulted in routinely abusive behavior within the CPD, especially toward Black and Latino residents.

49. CPD officers routinely use racist language. CPD officers call black youth "nigger" and "animal." Officers acknowledged to the DOJ that they had made these statements.

50. One CPD officer reported to the DOJ that not only their co-workers but also their supervisors refer to Black people as "monkeys, animals, savages, and 'pieces of shit.'" (Ex. A, at 146.) One CPD officer got in an altercation at a dog park with a pregnant woman and told her, "Fuck you, you fucking nigger, you should keep your big mouth shut." (*Id.* at 147.)

51. CPD officers describe black and Latino people as if they are less than human. One CPD member told the DOJ that officers in his district come to work every day "like it's a safari." (*Id.* at 146.) This mindset has desensitized many officers from the humanity of the people of color they serve, setting the stage for the use of excessive force on them.

52. CPD officers profile Chicago residents based on their race. CPD officers stop and question black and Latino residents so routinely, that when black and Latino CPD officers are in plain clothes they too are treated with suspicion by other CPD officers. A CPD lieutenant told DOJ investigators, “I’m a black man in Chicago, of course I’ve had problems with the police.” Another black officer reported that when she lived in Englewood, she was profiled and stopped by many officers. (*Id.* at 144.)

53. CPD officers often identify themselves as police officers and make racist comments on social media. One officer posted: “Hopefully one of these pictures will make the black lives matter activist organization feel a whole lot better!” The officer attached two photos to this message, including one of two slain black men in the front seats of a car, bloodied, covered in glass.

54. CPD supervisors also make racist statements. The DOJ report described one sergeant who posted at least 25 anti-Muslim statements and at least 43 other discriminatory posts and a lieutenant who posted at least five anti-immigrant and anti-Latino statements.

55. Credible complaints of racially discriminatory language by CPD officers are not adequately addressed. The DOJ reported that the CPD’s complaint database showed 980 police misconduct complaints coded as discriminatory verbal abuse on the basis of race or ethnicity from 2011 to March 2016. Thirteen of those complaints—1.3%—were sustained. There were 354 complaints for the use of the word “nigger” or one of its variations. Four, or 1.1% of these complaints were sustained.

56. For example, since at least 2015 and as recently as August 2017, a veteran CPD officer has repeatedly posted racial comments on the social media website Facebook, including a post referring to black children as “wild African kids.” His racial animus has not been confined

to the internet. Making a horrific pun on the racial equality tagline “black lives matter,” the CPD officer parked his personal vehicle outside the police station where he worked displaying a bumper sticker that stated “all lives splatter” with an image of fleeing protesters being run over with a truck. His truck also displayed his membership in the police union FOP, inches away. Despite media reports about this officer’s conduct in 2015, an IPRA interview of him in April 2016, a DOJ finding about him in January 2017, and a complaint from a member of the public in August 2017, all criticizing the effect that this officer’s conduct was having and would have on residents and fellow CPD officers, the officer continued to publicly make abusive, racist, and discriminatory statements.

57. City decision-makers are aware of the racial animus of its CPD officers. In late 2015, shortly after the release of a video showing teenager Laquan MacDonald’s murder by a CPD officer, Mayor Rahm Emanuel admitted that CPD officers would not treat young black men the way they treat him, or his own children. He admitted “that’s wrong.”

**D. The City Unnecessarily Uses Force on Individuals with Disabilities.**

58. The victims of CPD’s use of force are often people with disabilities.

59. The City, however, fails to maintain or track data regarding use of force incidents against people with disabilities. Nor has the City disclosed statistics on how many people with disabilities are subjected to the use of force by the CPD, including those who are shot, Tased, or otherwise injured.

60. When governments have made such information available, the impact is devastating. In 2012, the Albuquerque, New Mexico Public Defender Department reported that approximately 75% of recent police-involved shootings had a “mental health context.” In Portland, Oregon, 75% of the people shot and killed by police over a three-year period were affected by mental illness.

61. Although the role of disability most frequently goes unacknowledged, incidents highlighted by journalists and investigators demonstrate how the CPD unlawfully uses force on Chicagoans with disabilities. Every day the City sends CPD officers into the streets where they encounter and respond to people with disabilities. Without adequate training on how to recognize or respond to people with disabilities, CPD officers react quickly and violently to any perceived sign of non-cooperation—whether intentional or not—with escalating and too often deadly force.

62. Publicly released audio recordings show that, on December 26, 2015, 19-year-old Quintonio LeGrier called 911 three times, stating that “someone’s threatening my life” and begging for an officer to be sent to his home. His father also called 911 and stated that his son was trying to break down his bathroom door and was holding a baseball bat. The OEMC employees who received the initial 911 calls did not respond appropriately. The OEMC dispatcher that ultimately initiated a CPD response “did not recognize the call as one involving someone in crisis and did not ask questions that might have resulted in clues that it did,” and CIT-trained CPD officers were not dispatched. (*Id.* at 37-38.)

63. When CPD officers arrived at the building, LeGrier was shot six times. His neighbor, Bettie Jones, had opened her door for officers and was also shot and killed. The officer that killed Jones admits that he was aware of Jones’ presence and that he failed to warn or give her an opportunity to avoid danger prior to discharging his gun.

64. According to police reports obtained by the *Chicago Tribune*, LeGrier had been struggling with mental health issues in the months prior to his shooting, so much so that at least two of his university’s police officers knew him by name. In one encounter, LeGrier repeatedly shouted “I am God!” and “I am in outer space!” and authorities involuntarily admitted him to a

hospital for a psychiatric evaluation. The DOJ later found that LeGrier's and Jones's deaths "laid bare failures in CPD's crisis response systems." (*Id.* at 37.)

65. In 2016, the Task Force found that CPD officers are "too often the first responders to those living with mental illness and experiencing a crisis. . . . In turn, police officers are arresting individuals experiencing mental illness and are symptomatic in their illness. This occurs because symptoms of mental illness are sometimes demonstrated in behaviors that may look criminal. Furthermore, officers who are not well trained to identify the signs and symptoms of mental illness can further escalate a situation to the point that an arrest is made." (Ex. B, at 117.) Accordingly, the Task Force did "not need to search very far to find examples of police encounters with persons experiencing mental health crises that went tragically wrong." (*Id.* at 115.)

66. Similarly, in the DOJ's report the following year, it found that "CPD uses force against people in crisis where force might have been avoided had a well-trained CIT officer responded," "a meaningful number" of such uses of force were unconstitutional, "and deficiencies in CPD's CIT response contributes to the pattern or practice of unconstitutional use of force." (Ex. A, at 37.)

67. The 2017 DOJ Report identified specific examples of "unreasonable and repeated uses of force against individuals in mental health crisis," including:

- (a) use of a Taser against an unarmed, naked, 65-year-old woman with bipolar disorder and schizophrenia;
- (b) use of a Taser in "drive-stun mode" against a woman in mental health crisis who needed to be transported to a hospital for a mental evaluation and was not suspected of any crime;

(c) use of a Taser by an officer who said it was used “to subdue a mental who ignored verbal commands”;

(d) use of a Taser to twice drive-stun a man who was then transported for a mental health evaluation;

(e) use of a Taser in probe and drive-stun mode against an unarmed suicidal man;

(f) use of a Taser against an unarmed woman who was “off meds” and “not violent.”

The CPD did not conduct any investigation or review of these incidents to determine whether its response was appropriate or lawful, or whether force could have been avoided.

68. After the DOJ’s report was issued, the series of tragedies has only continued. On February 10, 2017, a woman with bipolar schizoaffective disorder, Michelle Robey, was killed by police officers within minutes of their arrival.

69. A frustrated CVS store employee had called 911 to report that Robey was “screaming and causing a scene, swearing at customers.” Employees tried to keep Robey in the store but she ran out.

70. Within five minutes of OEMC dispatching the call to CPD, two officers Tased, shot, and killed Robey on the street.

71. Video from inside the store shows employees were not afraid of whatever object Robey waved at them, and a 911 caller who spotted Robey on the street said that she could have been holding a butter knife.

72. In the three calls placed to 911, none of the OEMC dispatchers asked questions to determine whether a CIT-trained officer was needed. Robey’s estate sued the City, in part for its

unconstitutional failure to train, supervise, and implement policies and practices for police interactions with people who are mentally ill.

73. The City's unnecessary use of force on people with disabilities shows no sign of stopping. On June 30, 2017, an unarmed black man was chased on foot by CPD officers and Tased in the street after bystanders had called 911 for help with a man having a mental disturbance.

74. At or around 9:16 am on June 30, 2017, a woman called 911 and explained that she was calling as a precaution, and that there was a man inside a Dunkin Donuts who "doesn't seem like he's well." The caller said that "he seems like he may be sick or something," and that he may need to be removed from the area because he was being hostile with some of the men.

75. At or around 9:18 am, a man in the restaurant called 911 and requested assistance. The caller said there was a man in the restaurant "punching the walls," and the caller had already asked him to leave.

76. OEMC dispatched the call for service to the CPD, labeling it as a mental disturbance.

77. A CPD van, a CPD car, and at least two Chicago police officers on foot approached the man walking alone on a sidewalk.

78. The man slowly walked backwards on the sidewalk away from the approaching police officers, repeatedly raising his empty hands and lifting up his shirt, showing to the officers that he was not armed with anything in his waistband. He otherwise did not appear to be armed, aggressive, or threatening.

79. The police officers continued to walk towards the man, and the man turned away with his hands up. The man continued to walk away from them and slowly started to cross the street.

80. A police officer jumped out of the police van into the street and started walking quickly toward the man. The man continued to slowly cross the street, moving away from the police officers. The police officer closest to the man shifted into a run, and the man tried to run away.

81. Before the man could reach the other side of the street, the running police officer Tased the man from behind, causing the man to fall to the street face first. The man bled from his head onto the road.

82. The man's body lay in the street as the police handcuffed him and called for an ambulance.

83. The man, in serious condition, was taken by ambulance to the hospital and treated for the injuries he sustained from the police, including prongs from the Taser, a laceration over his right eye, and suspected internal bleeding inside of his head. The man was not charged.

84. To cover-up their unnecessary use of force on the man, the police officers submitted a report stating that the man was Tased "in response to subjects' threatened battery against R/Sgt." They also submitted a report falsely stating the police officer was in "imminent threat of battery," when in fact the man was unarmed, turned and running away from the police officers when he was Tased.

85. As of October 2017, more than three months after the incident, neither IPRA nor COPA had interviewed the officer who Tased the man. On information and belief, none of the

officers involved in the incident have been disciplined for the use of force or for making false statements on police reports.

**II. Plaintiffs Have Been Injured by the City's Unlawful Use of Force, and Will Continue to Be Injured Absent Injunctive Relief.**

**A. Communities United**

86. Communities United has been harmed by the City's unlawful policies and practices, and will continue to be harmed until the City ceases its unlawful conduct.

87. Communities United's mission is to advance social justice by developing local leadership and empowering communities to identify and address the root causes of inequity at the neighborhood, city, and state levels. To advance their mission, Communities United has advocated for violence prevention through promoting youth jobs, access to healthcare, and ending the school-to-prison pipeline. This mission has been injured and continues to be injured by the Chicago Police Department's failure to ensure that its officers do not engage in a pattern of unlawful and unreasonable force, including against black and Latino people and people with disabilities.

88. To advance its mission of reducing violence in Chicago communities, Communities United participated in a citywide campaign to ensure more summer jobs and opportunities for young people. Communities United hoped that police officers would be partners in their goal of addressing community violence.

89. Communities United also has the mission of ensuring higher graduation rates for students. Communities United worked with impacted students who wrote a report showing that too many students were having their education disrupted or were expelled due to the school discipline code. Chicago Public Schools funded a freshman year initiative for peer-to-peer

support, but this program was stymied because officers in schools who too often arrested or harassed students, disproportionately black students with disabilities.

90. CPD officers outside of school also disrupted students' education by unreasonably or unnecessarily using force against them. The problem intensified when many parents on the west and south side of Chicago enrolled their children in schools on the north side of the City because their neighborhood schools were placed in a "turn around" process or closed.

91. The CPD officers harassed and used force against these students as they traveled across the City to school. As Communities United expanded to work in the south and west sides, it heard similar stories of police harassment and unreasonable and unnecessary uses of force in those neighborhoods. In one small group meeting, nine out of ten students had been Tased by Chicago Police Officers.

92. Communities United's efforts to address the school-to-prison pipeline were frustrated by police harassment and misconduct outside of school. Even when schools limited student's contact with police within the school, the students still faced unreasonable and unnecessary force from officers while traveling to and from school, leading to unnecessary diversion into the criminal justice system and distrust of officers.

93. Communities United also found that the unreasonable and unnecessary force that young people faced from police officers frustrated their efforts to address community violence through youth job programs. Young people and other community members were far too distrustful of officers to see them as partners in addressing crime.

94. In response to the Defendant's unreasonable and unjustified force and the conflict with and frustration of Communities United's mission, Communities United was forced to divert resources to counteract these harms.

95. Communities United has had to spend less time organizing parents and more time organizing youth who are impacted by police violence. The need for police reform is so great that Communities United has directed more resources to this project and less to other work. Because of this necessary diversion of resources, the organization has had, and will continue to have, fewer resources for its work on the school to prison pipeline, quality education, youth jobs, and access to health care.

96. Communities United also has members who have been injured by the City's unlawful uses of force. Communities United has members in Albany Park, Belmont-Cragin, North Park, Irving Park, West Ridge, North Austin, and North Lawndale. These community areas, which form Communities United's constituent member base, are home to some of the populations most hurt by the City's unconstitutional policing practices—minorities, immigrants, and low-income individuals. North Austin and North Lawndale are among the most heavily policed neighborhoods in Chicago. Communities United has individual members who are directly impacted by the policing methods of the Chicago Police Department including, in particular, the CPD's use of force.

97. The individual members of Communities United living in Chicago face a real and immediate threat of injury from the City's authorization of unlawful and unnecessary use of force. These members are at risk of being subjected to CPD's pattern or practice of using excessive force against people who do not present a threat and who are not suspected of a crime. The DOJ found that "CPD's pattern or practice of unreasonable force includes using excessive force against people who do not present a threat and who are suspected only of low-level crimes or, in some cases, no crime at all." (Ex. A, at 32.)

98. Communities United has members who are black and who are Latino. Those members are in danger of being subjected to the City's policies and practices authorizing unconstitutional and unnecessary use of force. CPD officers disproportionately stop and otherwise come into contact with black and Latino Chicagoans compared to white residents. The City's use of force has a disparate impact on black and Latino Chicagoans, which includes members of Communities United.

99. Communities United has members who are qualified individuals with disabilities, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12131(2), including members who have a psychiatric condition that is a mental impairment and substantially limits major life activities such as sleeping, thinking, concentrating, and interacting with others; and members with an intellectual or developmental condition that is a mental impairment and substantially limits major life activities such as learning, reading, thinking, and communicating. Some of these members have been or will become the subject of a future 911 call dispatched to the CPD when the member or a family member calls 911 for emergency assistance related to the member's disability. These members will also come into contact with CPD officers because their disabilities manifest in ways that can be mistaken for criminal activity.

100. In addition, Communities United members with disabilities are disproportionately likely to interact with CPD officers because they are 2.5 times more likely to become victims of violence (rape or sexual assault, robbery, aggravated assault, and simple assault) than the general population. Persons with developmental disabilities are 4 to 10 times more likely to be victimized in some way, and persons with intellectual impairments have the highest rate of violent victimization. The City's policies for responding to 911 calls, its authorization of escalation and unnecessary force, and its failure to adequately train and supervise CPD officers

regarding interactions with individuals with disabilities mean that these Communities United members are in imminent danger of being injured or even killed by the City.

***R.S. and John Doe***

101. R.S. is a member of Communities United, as is her adult son (“John Doe”).<sup>1</sup> Both members are black and live in Chicago.

102. R.S. is the legal guardian and primary caretaker of John Doe, who is in his 30’s and has Fragile X Syndrome, depression, and episodic anxiety attacks. John Doe’s disabilities substantially limit him in the major life activities of caring for himself, independent living, and independent travel, among others.

103. John Doe enjoys watching cartoons and participating in track and field in the Special Olympics.

104. R.S. has another adult son. Over ten years ago, he was shot multiple times by CPD officers, causing him to be paralyzed for a period of time and leaving him with injuries today.

105. R.S. lives in fear that her other son, John Doe, will also be hurt, or even killed, by Chicago police officers.

106. While some individuals with Fragile X syndrome do not speak, John Doe can if he knows and is comfortable with the person. He often does not respond when someone he does not know speaks to him. Strangers make John Doe anxious. If he is approached by a stranger, John Doe will often run away. People who are unfamiliar with Fragile X syndrome interpret his behavior as being rude or uncooperative.

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<sup>1</sup> John Doe and other names ending in “Doe” are pseudonyms.

107. John Doe lives with R.S. He works at a not for profit program for people with disabilities, including cognitive disabilities, for a few hours most days. John Doe is often home alone for a few hours after work, before R.S. returns. He knows to call 911 if there is an emergency.

108. R.S. fears that if Chicago police office interact with John Doe when she is not present, the police will interpret his failure to respond or running away as suspicious, and that they will escalate a routine interaction into unnecessarily or unjustifiably using force on John Doe.

109. R.S. has had to previously call 911 for assistance with getting John Doe to the hospital for treatment related to his disabilities, and she will need to do so in the future.

110. Just over ten years ago, R.S. had left John Doe at home alone temporarily while she was at a nearby church. R.S. wandered into the church in his house shoes, jogging pants, and a t-shirt, despite cold winter weather. He was irate and swearing, which was not usual behavior for him. R.S. knew something was wrong but did not know what to do. Someone advised R.S. to call 911 and she did.

111. Almost a dozen police officers arrived and, rather than taking time to assess or de-escalate John Doe's behavior, they escalated the situation unnecessarily. Police officers pushed John Doe to the ground and roughly handcuffed him. R.S. tried to warn the police not to scare John Doe, but they yelled at R.S. and told her to get back.

112. R.S. believes CPD's use of force on John Doe could have caused John Doe to respond with additional force if she had not been there to keep him calm and to provide explanation of his behavior to the police.

113. John Doe was taken to a hospital, where doctors determined that he had had a panic attack. He was diagnosed with episodic anxiety attacks. He was not charged with anything regarding this incident.

114. Since this incident, John Doe is afraid of police officers. Even the sight of police makes him anxious.

115. R.S. and John Doe have changed their routines to try to prevent John Doe from having contact with the police. R.S. tries to ensure that John Doe never travels alone, and always travels with her, a trusted person, or through the PACE transport system for people with disabilities.

116. If R.S. has to leave John Doe alone, she repeatedly calls to ensure that he has not left the house. She communicates with him and, if needed, finds a trusted person to stay with him when she is away for short periods. She tries to ensure John Doe does not leave the house without her as much as possible so that he will not encounter police alone.

117. It is not possible, however, for her to accompany him at all times.

118. Under current CPD policy, R.S.'s behavior during encounters with the police will be considered non-cooperative and will be met with increasing uses of force.

119. R.S. is afraid that if John Doe interacts with police without her present, police will use force on John Doe and escalate the interaction until John Doe is severely injured or even killed.

***K.B.***

120. K.B. is a member of Communities United who resides in Chicago. She is a black teenager and currently in high school.

121. K.B. has been diagnosed with attention-deficit/hyperactivity disorder (“ADHD”), depression, and bipolar disorder.

122. K.B. has been repeatedly institutionalized in a psychiatric facility in relation to her disabilities, causing her to miss a significant amount of school.

123. In all but the first time that K.B. was institutionalized, K.B. was taken by Chicago police officers to the facility at the request of K.B.’s guardian. Despite the fact that K.B. never resisted the police officers’ requests, police officers have used force on her.

124. When K.B. was approximately 14 years old, her guardian called 911 to ask police officers to come to K.B.’s home to take K.B. to a facility, where K.B. knew she would be forced to stay against her will for an extended period of time.

125. K.B. had been to the facility before and knew that the facility would not provide clothing, so she packed a bag of her belongings as she waited for police to arrive.

126. A few police officers entered K.B.’s bedroom. An officer told K.B. that she could not bring her bag. K.B. calmly started to explain that she would not have any clothing at the facility and offered to let them search the bag.

127. Instead of talking with the 14-year-old girl, one of the officers tackled K.B. to the ground and roughly handcuffed her.

128. In another incident around 2014, Chicago police officers handcuffed K.B. and took her to a police station. Despite the fact that K.B. did not resist and fully complied with the officers’ directions, one officer roughly yanked her arm, called her a “bitch,” and told her to “sit the fuck down.”

129. K.B. now avoids police as much as she can. She will often cross the street and walk faster if she sees a Chicago police officer. K.B. also feels she has to change her behavior

when she sees a police officer in order to avoid doing anything that could be called “suspicious,” such as leaving her hands in her pockets.

130. As a result of her repeated police contacts related to her mental illnesses and her past experience being subjected to force unnecessarily, K.B. fears that police will again be called about her and that an officer will harm her.

**A.M.**

131. A.M. is a Latino member of Communities United who resides in Chicago.

132. When A.M. was a teenager biking home, a Chicago police car suddenly drove up alongside A.M. and cut him off, hitting and lifting A.M.’s bike off the ground. A.M. was trapped between the police car and a parked car, and he could not move his legs or turn around.

133. Two officers jumped out of the car and asked A.M. where he was coming from. A.M. told them he was on his way home from the swimming pool.

134. Despite A.M.’s compliance, and the fact that he was not engaged in any criminal activity, the officers grabbed A.M.’s arms and handcuffed his wrists behind his back. The officers searched A.M.’s bag. Eventually, the officers released A.M. At no time did they inform him why he was stopped.

135. A.M.’s bicycle was so damaged by the police car crashing into him that he could not ride it and had to walk it home.

136. A couple of years later, A.M. was again assaulted by police officers. A.M. was biking on a one-way street in the direction of traffic when an unmarked police car with three officers drove toward him from the opposite direction. A.M. noticed that the officers were yelling at him, so he stopped his bike on the nearest corner.

137. Another unmarked police car drove up and two more officers jumped out.

138. The officers pointed their guns at A.M. and told him to get on the ground. The ground was icy and wet.

139. A.M. put his hands up and laid on the ground. One officer hit A.M. on the side of his head. The officer then patted A.M. down and searched his pockets while he lay on the ground.

140. The officers grabbed A.M.'s bag and dumped all of his belongings onto the ground.

141. The officers asked him, "Why are you gunning it down the street?" and "Don't you know this is a gang neighborhood?" A.M. explained where he was coming from and where he was going, and the officers told him he shouldn't be there. When the officers were satisfied, they told A.M., "Go ahead and get your stuff and get out of here."

142. At no time did the officers inform A.M. why he was stopped. A.M. was confused and upset.

143. These experiences caused A.M. to try to avoid police whenever possible. He is now in his 20s and has changed the way he dresses in order to avoid being perceived by police officers as "threatening" because he is a tall Latino man.

144. As a result of his negative interactions with Chicago police officers, A.M. feels nervous and afraid whenever he sees a police officer. A.M. fears that an officer can stop him at any time, for no reason, and use force against him without consequence.

**B. Community Renewal Society**

145. CRS's goals are to advance racial and economic justice. In furtherance of these goals, historically, the organization has worked on criminal justice at the county and state level, including restorative justice, violence prevention, affordable housing, employment opportunities for people with criminal records, education funding, a campaign for a minimum wage, and

ensuring the state-level budget protects social and human services and resources for the public good. However, because of the unconstitutional and unlawful use of force by the Chicago Police Department, CRS has had to divert its resources to increasingly focus on police reform.

146. Voter registration was one of CRS' priorities. In August 2014, while traveling between areas where he was registering voters as part of CRS's minimum wage campaign, a black CRS leader was stopped by CPD officers in his car. During the detention, the officers broke the window of his car, pulled him from it, and hit him several times. This use of force was unprovoked and unjustified. CRS immediately sought to support their leader.

147. Not only was this CRS leader pulled away from his work with CRS on voter registration, CRS itself began to shift resources to address police misconduct. It convened meetings to address the abuse of one of its leaders. CRS has a committee, comprised of CRS's leadership team and directors of policy and organizing, charged with setting priorities for the organization. Because of this incident and the experiences of other members, the committee decided that CRS had no choice but to work on policing.

148. CRS also had a goal of violence prevention. This goal was negatively impacted because the violence by the Chicago Police Department exacerbated the broken trust between community members and the Chicago Police Department.

149. Soon after the CRS leader was beaten by the CPD, CRS commissioned a police reform issue team. Issue teams are comprised of core leaders and are staffed by one policy person and one organizer. Since then, CRS has further supplemented its police accountability campaign by developing a proposal for an auditor for the police department, working in a community coalition to form a community oversight board proposal, identifying and advocating

for legislative reforms and serving as a steering committee member on a coalition seeking reforms to the police union contracts in Chicago.

150. Because CRS has limited resources, when it devotes resources to a new issue area, other issues are not fully staffed. Additionally, the churches have limited capacity, which means fewer leaders and volunteers are available to work on other issues. Since focusing on police reform, CRS has less capacity to work on its other goals. For example, CRS has not been able to devote resources to education funding reform since 2015. CRS stopped working in a west side coalition on housing and employment. CRS has decreased the resources it devotes to address its concerns in the state budget.

151. CRS's member churches have also diverted resources away from their missions to address police violence. The member churches have committed to CRS's goal of advancing racial and economic justice.

152. The member churches knew that the CRS leader's work for CRS was cut short by his experience with the police. They also heard from their congregations about other instances of police misconduct. Additionally, they knew that police misconduct, including police violence, furthers distrust between the community and police department, harming the organization's goal of reducing violence.

153. CRS member churches have limited resources, including limited numbers of members who can advance their goals. When CRS directed its efforts at police reform, the member churches had fewer resources to dedicate to their goals of addressing economic justice, including the state budget, employment opportunities, and housing.

154. Additionally, individual members of CRS congregations and individual members of CRS's "faith in action" teams have been subjected to use of force by the CPD.

155. The individual members of CRS congregations living in Chicago face a real and immediate threat of injury from the City's authorization of unlawful and unnecessary use of force. Individual members of CRS's "faith in action" teams living in Chicago face a real and immediate threat of future injury from the City's authorizing unlawful and unnecessary use of force. These members are at risk of being subjected to CPD's pattern or practice of using excessive force against people who do not present a threat and who are not suspected of a crime.

156. CRS congregations have individual members who are black and who are Latino. CRS's "faith in action" teams include individual members who are black and who are Latino. CPD officers stop and otherwise come into contact with black and Latino Chicagoans at a disproportionate rate compared to white residents. The City's use of force also has a disparate impact on black and Latino Chicagoans. These members of CRS congregations are in danger of being subjected to the City's policies and practices authorizing unconstitutional and unnecessary use of force.

***D.B.***

157. D.B. is a pastor at a Chicago member-congregation of CRS. She is black and resides in Chicago.

158. One morning in or around September 2017, D.B. was driving by herself in her car when she was pulled over by a Chicago police car. At the time of D.B.'s stop, she was not committing a crime, speeding, or driving in an unusual manner.

159. Three police officers walked up to D.B.'s car. The officer on the driver's side of D.B.'s car refused to explain why D.B. was pulled over.

160. As D.B. reached into her pocket to retrieve her driver's license, the agitated officer unsnapped the holster of her gun and prepared to draw her weapon at D.B. Scared for her life, D.B. immediately put both of her hands on her driving wheel.

161. Eventually, the officer informed D.B. that she pulled her over for failing to use her turn signal while changing lanes.

162. As a result of this interaction, D.B. is now afraid of the police. She is scared that police will stop her for a minor traffic violation, or for no reason at all, and escalate the interaction into using force on her.

### **C. Next Steps**

163. Next Steps is an organization with a mission to ensure that people with lived experience of homelessness, mental illness symptoms, or substance abuse have a voice in public policy decisions about them. By the organization's policy, all staff and members of the board are people with lived experience of either homelessness or mental illness.

164. In late 2015, Next Steps staff and board were shocked by videos of the CPD's use of force on Laquan MacDonald and Phillip Coleman. Additionally, more and more of the people Next Steps staff interacted with identified the police as part of the problem for people with mental illness, stymieing the staff's efforts to improve the lives of people with mental illness through other policy advocacy.

165. Realizing the impact on its constituency and how its other work was stymied, Next Steps was compelled to shift its work to address police interactions with people with mental illness.

166. Since late 2015, Next Steps has had to dedicate resources to address interactions between police and Chicagoans with disabilities. These efforts include researching, investigating

and creating advocacy materials, preparing testimony, holding a community meeting, and meeting with other organizations.

167. Prior to late 2015, Next Steps split its resources between addressing the needs of people who are homeless, people with mental illness, and people who have substance abuse issues. Now, Next Steps must spend time on policing and less on its other work.

168. The Board of Directors, employees, and supporters of Next Steps also face a real and immediate threat of injury from the City's authorization of unlawful and unnecessary use of force. These members are at risk of being subjected to CPD's pattern or practice of using excessive force against people who do not present a threat and who are not suspected of a crime.

169. Next Steps includes qualified individuals with disabilities, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12131(2), including those with psychiatric conditions that are a mental impairment and substantially limit major life activities such as sleeping, thinking, concentrating, and interacting with others.. Some of these individuals have been and will become the subject of a future 911 call dispatched to the CPD when the member or a family member calls 911 for emergency assistance related to the disability. Next Steps associates will also come into contact with CPD officers because some members' disabilities manifest in ways that can be mistaken for criminal activity, or because studies show that people with disabilities are 2.5 times more likely to become victims of violence than the general population. The City's policies for responding to 911 calls, its authorization of escalation and unnecessary force, and its failure to adequately train and supervise CPD officers regarding interactions with individuals with mental illness mean that these individuals are in imminent danger of being injured or even killed by the City.

170. Next Steps includes Chicagoans who are black and who are Latino. CPD officers stop and otherwise come into contact with black and Latino Chicagoans at a disproportionate rate compared to white residents. The City's use of force also has a disparate impact on black and Latino Chicagoans. These members of Next Steps are in danger of being subjected to the City's policies and practices authorizing unconstitutional and unnecessary use of force.

**D. ONE Northside**

171. ONE Northside has been harmed by the City's actions. ONE Northside's mission is to advance racial and economic justice. It accomplishes that goal by working with people in impacted communities to work for policy changes. To advance this mission, ONE Northside has focused on several goals: violence prevention; mental health justice; access to affordable housing and shelters; improving Chicago's education system; economic justice, including closing corporate tax loopholes; environmental justice; and ending the school to prison pipeline.

172. ONE Northside's goals of reducing violence in Chicago communities and ending the school to prison pipeline have been harmed because it has had to divert resources, including time and money, from these goals to address the City of Chicago's failure to control unjustified and unreasonable police violence.

173. ONE Northside has individual members who have been injured by the Chicago Police Department's pattern and practice of unconstitutional policing. ONE Northside members have been previously Tased by the CPD. Members of ONE Northside face a real and immediate threat of injury from the City's authorization of unlawful and unnecessary use of force. These members are at risk of being subjected to CPD's pattern or practice of using excessive force even against people who do not present a threat and who are not suspected of a crime.

174. ONE Northside has members who are black and who are Latino. Those members are in danger of being subjected to the City's practices and policies authorizing unconstitutional

and unnecessary use of force. CPD officers disproportionately stop and otherwise come into contact with black and Latino Chicagoans compared to white residents. The City's use of force has a disparate impact on black and Latino Chicagoans, which includes members of ONE Northside.

175. ONE Northside has members who are qualified individuals with disabilities, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12131(2), including members who have a psychiatric condition that is a mental impairment and substantially limits major life activities such as sleeping, thinking, concentrating, and interacting with others; and members with an intellectual or developmental condition that is a mental impairment and substantially limits major life activities such as learning, reading, thinking, and communicating.. Some of these members have been or will become the subject of a future 911 call dispatched to the CPD when the member or a family member calls 911 for emergency assistance related to the member's disability. Members will also come into contact with CPD officers because some members' disabilities manifest in ways that can be mistaken for criminal activity. In addition, members with disabilities are disproportionately likely to interact with CPD officers because they are 2.5 times more likely to become victims of violence than the general population. Persons with developmental disabilities are 4 to 10 times more likely to be victimized in some way, and persons with intellectual impairments have the highest rate of violent victimization.

176. Members of ONE Northside are fearful that the City's policies for responding to 911 calls, its authorization of escalation and unnecessary force, and its failure to adequately train and supervise CPD officers regarding interactions with individuals with disabilities mean that these ONE Northside members are in imminent danger of being injured or even killed by the City.

**C.N.**

177. ONE Northside member C.N. is a Latino veteran who has posttraumatic stress disorder (“PTSD”), anxiety, and bipolar depression.

178. After being assaulted by a man in September 2016, CPD officers found C.N. during his ensuing PTSD attack.

179. A Chicago police officer mocked C.N.’s disability, exacerbating C.N.’s agitation, trauma, and emotional distress.

180. C.N. fears that in a future episode of his mental illness, CPD officers’ confrontational response to symptoms of his mental illness will escalate into C.N. being severely injured or even killed.

**D.T.**

181. D.T. is a black member of ONE Northside who resides in Chicago.

182. In or around 2009, D.T. was robbed inside his apartment building. D.T. lived on the fourth floor of the building and was walking down his hallway toward the stairwell. As he approached the stairs, a man standing at the end of the hallway suddenly put a black cloth laundry bag over D.T.’s head.

183. D.T. did not see the man, but saw that he was wearing orange high-top sneakers and had dropped a small bottle of cologne.

184. The man told D.T. not to move and began checking D.T.’s pockets. D.T. had about \$30 in his pocket. The man took the money and ran down the stairs, leaving D.T. standing in the hallway with the bag on his head.

185. D.T. was frightened, and stayed in the hallway until he heard the downstairs door close. He then ran into his apartment and called 911.

186. Two Chicago police officers eventually arrived in response to D.T.'s call.

187. D.T. explained to the officers that he had been robbed and provided as many details about the man as he could.

188. One of the officers became angry and yelled at D.T. for making them walk all the way up to the fourth floor when D.T. could not even describe the man who robbed him. The officer slapped D.T. across the face, then slammed D.T.'s head into the wall.

189. The other officer did not attempt to verbally or physically intervene.

190. After the officers left, D.T. had a visible hand print on his cheek.

191. After this incident, D.T. was diagnosed with depression, for which he has received counseling and takes medication.

192. As a result of this interaction, D.T. does not trust Chicago police officers anymore. Even if an officer appears friendly or helpful, D.T. remains suspicious and nervous that the officer's disposition will change if he says the wrong thing.

193. D.T. is hesitant to call the police for help because he fears that an officer will not view or treat him as a victim of a crime, and will instead use force on him.

194. None of the City's accountability agencies contacted D.T. to investigate this use of force on him, and he is not aware of any police officer being disciplined for using force on him.

***Jack Doe***

195. Jack Doe is a black member of ONE Northside. Jack Doe has been housing insecure for approximately a decade, and is now staying in a shelter for the homeless in Chicago.

196. In April 2015, Jack Doe was walking across an alley in the West Garfield Park neighborhood of Chicago. He was not engaging in any criminal activity.

197. A vehicle drove into the alley and stopped in front of Jack Doe, blocking his path. Three uniformed CPD officers exited.

198. One of the officers approached Jack Doe, grabbed his right wrist, and ordered him to open his mouth. Nervously, Jack Doe complied.

199. The officer looked inside Jack Doe's mouth. While still holding onto Jack Doe's wrist with one hand the officer then struck Jack Doe in the temple with a flashlight, knocking Jack Doe unconscious.

200. When Jack Doe regained consciousness, he was lying face down on the pavement and an officer was pinning him down, with a knee sharply digging into Jack Doe's back. Jack Doe was handcuffed, and his body ached with pain. It was now dark outside.

201. Jack Doe could not breathe well with the officer's knee in his back and attempted to roll over to protect himself. In response, the officer shoved Jack Doe's head back down and turned it.

202. An officer then walked over to Jack Doe, flashed his flashlight in Jack Doe's face, and told Jack Doe that they found "his" drugs. Jack Doe did not have any drugs on him.

203. Jack Doe's charges were later dismissed.

204. Jack Doe experienced both physical and emotional injuries from this incident. Since this incident, he often spontaneously cries and he experiences panic attacks, migraines, flashbacks, disorientation, and racing thoughts.

205. Jack Doe fears that a police officer will unlawfully stop him on the street or approach him at the shelter and use force on him again. He has seen CPD officers at his homeless shelter at least three times in the last six months alone.

206. The sight of a police car, a police officer, or a person who resembles the officer who struck him makes Jack Doe anxious.

207. None of the City's accountability agencies contacted Jack Doe to investigate the uses of force on him, and he is not aware of any police officer being disciplined for their use of force on him.

***Jane Doe***

208. Jane Doe is a member of ONE Northside. She is black and lives in Chicago. She has been diagnosed with schizoaffective disorder, manic depression, and posttraumatic stress disorder. These disabilities impact the major life activities of caring for herself, including cooking, cleaning, and working.

209. Jane Doe has been the subject of 911 calls due to her disabilities and expects she will be again in the future.

210. Jane Doe's mental illness is episodic and cyclical. She is afraid that in the future the police will be called when she is experiencing a mental health crisis and unnecessarily use force against her.

211. Jane Doe fears retaliation from the police and is afraid to disclose her name and details of her experiences with CPD officers.

***C.P.***

212. C.P. is a black member of ONE Northside who resides in Chicago.

213. C.P. was first diagnosed with schizophrenia when he was a teenager. This mental impairment substantially limits C.P.'s thinking and interacting with others, among other major life activities.

214. C.P. has interacted with CPD officers numerous times because of his disability. When C.P. senses that he is going to have an episode related his schizophrenia, he tries to take himself to a hospital to ensure that he receives the care he needs. C.P. fears, however, that if he is unable to anticipate an episode and seek preemptive medical attention, that police officers will be called and will subject him to use of force.

215. C.P. has experienced excessive force at the hands of the CPD. Approximately thirty years ago, C.P. was severely beaten by CPD officers. C.P. suffered multiple injuries, including a broken rib, broken nose, and bruises all over his body.

216. The officers who abused C.P. were part of the notorious gang of corrupt police officers in the 15th District who were investigated in the 1990s for robbing drug dealers, planting drugs, and protecting gangs. Some, but not all, of these officers were later convicted and sentenced to long prison terms.

217. As a result of this abuse, C.P. lost trust in Chicago police officers.

218. C.P. has been stopped by CPD officers numerous times since this incident—approximately a dozen times in the last five years, and including in the year 2017. When C.P. sees police officers, he becomes incredibly anxious and fearful.

***N.T.***

219. N.T. is a black member of ONE Northside who is in his 30's and lives in Chicago.

220. N.T. was first diagnosed with bipolar disorder when he was 5 years old. He has spent significant periods of his life in residential mental health treatment facilities. Today his bipolar disorder substantially interferes with the major life activities of caring for himself, working, and concentrating, among others.

221. N.T. lives with family. In 2016, N.T. got into an argument with one of his relatives.

222. N.T.'s brother arrived home and questioned whether N.T. had taken his medication. N.T. became upset and grabbed the closest thing to him, which happened to be a knife. He held it by the blade.

223. N.T. let go of the knife after he had been backed into a corner. Then he began hitting his head on the wall.

224. N.T.'s brother and relatives tried to restrain N.T. to keep N.T. from hurting himself. N.T. continued to hit his head on the wall. N.T. also threatened suicide with a handful of pills.

225. One of N.P.'s relatives called 911, and explained that N.T. was experiencing a mental health crisis.

226. CPD officers entered the apartment. Rather than take time to assess or deescalate the situation, the officers shouted at N.T. to: "Get the fuck down" and "get your ass down." The officers immediately tried to touch N.T. Because he has bipolar disorder, N.T. becomes agitated when people try to touch him.

227. When N.T. did not obey the officers by getting on the floor, an officer discharged a Taser at him.

228. The officers slammed N.T. to the ground. They put handcuffs on him and restraints on his feet.

229. The officers carried N.T. out of the building. N.T. tried to go back inside because he was afraid of being institutionalized.

230. N.T. was still handcuffed, but his legs were no longer restrained. The officers grabbed N.T. and slammed him to the ground, hitting his head on pavement. The front of N.T.'s head cut open and he bled onto the ground.

231. N.T.'s brother got a towel and tried to wrap it around N.T.'s head, but N.T. was so dizzy that he could not keep his head still.

232. N.T. was taken to a hospital and received multiple stitches.

233. N.T.'s brother complained to the officers that they had used excessive force on N.T. He is not aware of the officers receiving any discipline for their use of force.

234. Since this incident, N.T. tries to avoid spending time at his own home because he fears that someone will call 911 again and the CPD will use unnecessary and excessive force on him again.

235. Because of the symptoms of N.T.'s disability, N.T.'s family members will call 911 in the future. They fear, however, that N.T. will be harmed by CPD officers again in future contacts.

#### **E. The ACLU**

236. Members of the ACLU living in Chicago face a real and immediate threat of injury from the City's authorization of unlawful and unnecessary use of force. These members are at risk of being subjected to CPD's pattern or practice of using excessive force against people who do not present a threat and who are not suspected of a crime.

237. The ACLU has members in Chicago who are black and who are Latino. Those members are in danger of being subjected to the City's practices and policies authorizing unconstitutional and unnecessary use of force. CPD officers disproportionately stop and otherwise come into contact with black and Latino Chicagoans compared to white residents. The

City's use of force has a disparate impact on black and Latino Chicagoans, including members of the ACLU.

238. The ACLU has members who are qualified individuals with disabilities, as defined by the Americans with Disabilities Act, 42 U.S.C. § 12131(2), including members who have a psychiatric condition that is a mental impairment and substantially limits major life activities such as sleeping, thinking, concentrating, and interacting with others; an intellectual or developmental condition that is a mental impairment and substantially limits major life activities such as learning, reading, thinking, and communicating; physical impairments that substantially limit major life activities such as standing and walking; and hearing loss (including deafness and hard-of-hearing) that is a physical impairment that substantially limits major life activities such as hearing and communicating. Some of these members have been and will become the subject of a future 911 call dispatched to the CPD when the member or a family member calls 911 for emergency assistance related to the member's disability. Members will also come into contact with CPD officers because some members' disabilities manifest in ways that can be mistaken for criminal activity. In addition, members with disabilities are disproportionately likely to interact with CPD officers because they are 2.5 times more likely to become victims of violence than the general population. People with developmental disabilities are four to ten times more likely to be victimized in some way, and persons with intellectual impairments have the highest rate of violent victimization.

239. Members of the ACLU are fearful that the City's policies for responding to 911 calls, its authorization of escalation and unnecessary force, and its failure to adequately train and supervise CPD officers regarding interactions with individuals with disabilities mean that these ACLU members are likely to be injured or even killed by the City.

***P.F.***

240. P.F. is a member of the ACLU, as is his mother L.F. He is 21 years old, black and a life-long resident of the south side of Chicago.

241. P.F. has several disabilities, including autism, bipolar disorder, ADHD, and epilepsy. He attended a therapeutic school for kids with disabilities. His mother estimates that P.F.'s cognitive abilities are at that of a child in the second grade. P.F.'s disabilities substantially impair his neurological functioning and executive functioning relating to, among other things, learning, interacting with others, and communication.

242. P.F. likes to spend time watching cartoons, riding his bike, and collecting scrap metal. He takes pride in his scrap metal collection and has fond memories of a trip he took to a junk yard with his teacher, where they found some larger metal appliances. He has used money that he earned from selling scrap metal to buy new clothes and DVDs of his favorite show, *Sponge Bob Square Pants*.

243. P.F. has been arrested approximately 12 times by the Chicago Police Department in the past decade. In most of the cases, the charges were dropped or dismissed at the early stages and none have resulted in any felony convictions or prison sentences.

244. In addition to being arrested repeatedly, P.F. is frequently stopped by Chicago police officers even though he is not engaging in criminal activity. For example, in October 2015, he was simply walking through an alley behind a neighborhood body shop, where the owners had given him permission to take any rusty metal that they were throwing out. The month prior officers stopped him and claimed he refused to follow verbal direction.

245. Police officers who confront P.F. frequently do not recognize signs of his disabilities and interpret his behavior or response as uncooperative. When police officers speak

to P.F. in normal tones without physical touch, P.F. can respond to them calmly. But when police officers make sudden movements, touch him, or yell at him, because of his disability, he will automatically respond by attempting to move away from them, stiffening his body or flailing his arms.

246. When CPD officers have interacted with P.F., they have escalated the encounters into violence. P.F. has repeatedly been the subject of police force and violence because of his disability.

247. In September 2016, Chicago police arrested P.F. for suspected burglary. Although P.F. was subsequently released without charge, there does appear to have been probable cause for the initial arrest. However, during the encounter, when P.F. kept complaining and crying, one of the Chicago police officers hit P.F. with an object repeatedly while yelling at him to “shut up.” The police did not give him any medical treatment for his hand while he was in custody. Today he still has a visible lump from the damage the police officers caused during this beating.

248. In approximately 2000 or 2001, P.F. encountered Chicago police officers at a CTA station where gang members were throwing rocks. P.F. had been trying to hide from the gang members and called to the officers for help when they arrived. The responding officers misinterpreted P.F. and, instead of helping him, came after him. The officers Tasered him and caused him to fall down onto the subway tracks. Following the incident he was taken to the hospital with injuries that included broken bones.

249. In other incidents of excessive force during P.F.’s encounters with Chicago police officers, he has been struck on the back, slammed on the floor, and shackled by his feet.

250. P.F. tries to be friendly and wave at police officers, as he thinks some police officers are good and can help protect him from gang members. But he also knows that other

Chicago police officers are very bad—they do not understand him and have hurt him. P.F. is afraid that he will keep getting abused by, or even killed by, Chicago police officers.

251. P.F.'s mother, L.F. is afraid she will lose her son to police violence. She has already received a phone call once telling her that her son was “dead on arrival” at a hospital, only to be later told he was alive and having a seizure. She has seen the recurring injuries Chicago police officers have already inflicted on P.F., and she has no reason to believe the abuse will end. She tries to keep P.F. in the house as much as possible, but it is unfair to not allow P.F. to go out outside and enjoy life because of their fear of the harm that will result from future encounters with the Chicago police officers.

*Jose Doe*

252. Jose Doe is a Latino member of the ACLU.

253. Jose Doe has multiple sclerosis, which substantially interferes with multiple major life activities for Jose, including working, muscular control and movement, including walking. He experiences episodic numbness in his legs, muscle spasms, dizziness, and nausea.

254. Jose Doe has previously been Tased by Chicago police officers and is afraid they will hurt him again.

255. Jose Doe knows that his multiple sclerosis could manifest in a way that invites police attention, because his physical movements appear different from others, and that an officer will misinterpret symptoms of his disability and subject him to excessive or unnecessary use of force.

256. Jose Doe is afraid to share more details regarding his past abuse and current fears because he fears retaliation by the CPD.

**R.R.**

257. R.R. is a Latino member of the ACLU who resides in Chicago.

258. R.R. is deaf and communicates using American Sign Language. He is able to read written English. R.R.'s disability substantially interferes with the major life activities of hearing and communicating.

259. R.R. has several medical conditions. He has lupus, which is a chronic auto-immune disease. His legs become swollen if he sits or stands in one place for too long, so he often needs to get up and walk around. He also takes medication for epilepsy and has a stent in his heart.

260. One night in August 2017, R.R. and A.M., who is also deaf, were standing outside of a convenience store eating snacks.

261. A CPD vehicle pulled up, an officer exited, and he walked towards where R.R. and A.M. were having a conversation in sign language.

262. The officer appeared to open the door to enter the store, but then grabbed R.R. from behind, catching R.R. by surprise.

263. R.R. sensed that the officer was speaking to him, but R.R. could not hear or comprehend what the officer was saying.

264. The officer moved R.R. to face the car and patted him down. At no time did R.R. consent.

265. The officer then handcuffed R.R.'s arms behind his back, and placed R.R. in the back of the police car and closed the doors. The police vehicle was not air-conditioned and the windows were up.

266. R.R. was terrified. He had no idea why he had been handcuffed and detained, and he had no means of communicating with anyone.

267. As a result of sitting in the dark, hot car, R.R. had trouble breathing and felt dizzy.

268. Finally, an officer cracked open the door of the police car, but still left R.R. inside.

269. Officers eventually removed the handcuffs and released R.R., but they did not provide any verbal or written explanation to him about why they had searched, handcuffed, or detained him. They did not offer or provide any documentation related to his pat down or detention.

270. At no point during this incident did any of the officers attempt to communicate with R.R. and explain what was happening. Instead, the officers ignored him.

271. At no point in this incident did any of the officers provide any auxiliary aids or services to facilitate communication with R.R. The officers failed to take appropriate steps to ensure that communication with R.R. was as effective as communication would have been with a hearing person in the same circumstances, and failed to reasonably accommodate R.R.'s disability.

272. Because R.R. was handcuffed with his hands behind his back, he was not able to request an auxiliary aid or service to facilitate communication.

273. Despite his shock, confusion, frustration, and physical discomfort during this incident, R.R. remained calm because he feared the officers would escalate the situation if he got upset.

274. Since this incident, R.R. is fearful when he encounters police. R.R. fears that he could be stopped again by an officer who will not be able to sign and will not attempt to communicate with him.

275. R.R. fears that when he is next stopped by police, he may not have a hearing friend or a person he knows with him to ensure the police's failure to communicate with him does not lead to his severe injury or death.

***Joe and Jill Doe***

276. Joe Doe is a member of the ACLU, as is his foster mother Jill Doe.

277. Joe Doe is a black teenager with autism and schizophrenia.

278. At around 2 a.m. on August 13, 2017, Jill Doe reported that Joe Doe was missing.

279. A few hours later, Sergeant Doe, an off-duty CPD officer, saw Joe Doe in the Morgan Park community of Chicago. Sergeant Doe was not driving a marked police car.

280. The officer questioned the unarmed boy, who the officer perceived as becoming "elusive and unresponsive."

281. Sergeant Doe shot Joe Doe. Joe was treated at a hospital for his injuries.

**III. The City's Policies, Practices, and Customs Are Directly Causing These Injuries.**

**A. The City Fails to Accommodate Disabilities in Responding to 911 Calls.**

282. The City's Office of Emergency Management & Communications ("OEMC") oversees its 911 operations, which receive more than 5.5 million calls annually for emergency services. In 2015, slightly less than half of these calls were dispatched to CPD officers.

283. When, prior to CPD officers being dispatched, emergency calls are identified as likely involving mental illness or developmental disabilities, the response can be assigned to a CPD officer that has participated in the City's Crisis Intervention Team ("CIT") training program or to an appropriate non-officer first responder. In 2015, 25,000 of the City's

emergency calls were pre-identified as being mental health-related. The City's Task Force estimated that the City actually received between 73,500 and 245,000 mental health-related emergency calls.

284. Even for the fraction of calls that OEMC identified as requiring a CIT response, the City only sends CIT officers to respond approximately 25% of the time. OEMC's recent response to a FOIA request shows that the City has not curtailed this practice since the Task Force issued its report. In the past year approximately 2,162 emergency calls were dispatched to CIT-trained officers.

285. In combination with its failure to implement constitutional use of force policies and practices, the City's failure to identify key information prior to the dispatch of CPD officers results in excessive and unnecessary force being used on persons with disabilities because it causes the dispatch of CPD officers who are not adequately trained on how to safely interact with individuals with disabilities. Because the majority of 911 calls involving mental illness, intellectual or developmental disabilities are not being identified as such, CPD officers without appropriate training are being sent to respond to calls.

286. In light of these problems, in May 2016 IPRA recommended that:

- (a) OEMC call takers be appropriately trained and relevant protocols be put in place to effectively identify calls involving mental health or psychological issues.
- (b) CPD develop procedures that will enable the Department to evaluate how successfully its members are implementing crisis intervention training and policies.
- (c) CPD publicly report on its crisis intervention program.
- (d) CPD make greater efforts to expand the CIT unit to ensure that officers who are certified in crisis intervention are available when needed.

(e) CPD develop a community outreach plan specifically for crisis intervention related issues that engages all stakeholders.

(f) CPD provide more resources to the CIT program.

According to IPRA's annual report, published eight months later in January 2017, the CPD failed to respond to *any* of these recommendations.

287. In an August 2016 letter from IPRA Chief Administrator Sharon Fairley to CPD Superintendent Eddie Johnson, IPRA also recommended that the CPD accelerate CIT training for all supervisory CPD members. According to IPRA, the CPD similarly failed to respond to this recommendation.

288. Despite City press releases touting a recent training of OEMC staff on mental health issues, the City still has not resolved its severe deficiencies. The City lacks a policy to guide OEMC call takers on how to direct calls involving threats of suicide. Call takers do not have advance direction on whether and when to refer these calls to an external suicide hotline, a paramedic, or to CIT-trained officers. The City also lacks a policy on whether and how the call taker should note important information regarding disabilities other than mental illnesses—for example, that the call involves someone who is deaf or who has autism.

289. Furthermore, the City refuses to use data to improve its future responses to 911 calls. Responses to FOIA requests show that the City is not auditing its 911 calls to understand how many and what type of calls are not being identified as requiring a CIT response, but should be. By failing to engage in post-action reviews, the City is refusing to assess the effectiveness of their training.

**B. CPD's Policies Do Not Sufficiently Limit Use of Force.**

290. In May 2017 the CPD overhauled its written use-of-force policy and that policy became effective shortly after the filing of this lawsuit. However, the new use-of-force policy

does not end a number of City practices that have resulted in excessive force. The policy continues to enforce the cultural norm within the CPD that officers can respond to any act of non-compliance, regardless its reason or result, with escalating physical force.

**1. CPD's Lack of a Foot Pursuit Policy Encourages Unnecessary Escalation.**

291. The lack of policy, guidance, and oversight of foot pursuits by armed CPD officers shows the City's deliberate indifference to CPD officers' violations of constitutional and civil rights.

292. Foot pursuits are inherently dangerous and present substantial risks to police officers and the public. Nonetheless, CPD officers initiate foot pursuits even when they lack a basis for believing the person has committed a serious crime.

293. The act of someone fleeing, alone, often triggers officers to initiate a foot pursuit that culminates in gunfire, sometimes fatal. The heat of the pursuit causes officers to unnecessarily rush into close proximity to the flier, with adrenaline running high and the officers' guns drawn.

294. For example, the DOJ described a case where a man was walking down a residential street with a friend, and police officers drove up and ordered him to freeze "because he had been fidgeting with his waistband." (Ex. A, at 25.) The man ran, three officers gave chase and shot 45 rounds toward the unarmed man, killing him.

295. The DOJ's January 2017 report could not have been clearer about how the CPD should begin to remedy this dangerous practice: "[CPD] does not have a foot pursuit policy. It should." The DOJ recommended developing, training officers on, and implementing a foot pursuit policy that: makes clear that foot pursuits are dangerous; sets forth guidelines for foot

pursuits that balance the objective of apprehending the suspect with the risk of potential injury to the officer, the public, and the suspect; and addresses unsafe foot pursuit tactics to minimize risk.

296. More than ten months later, and six months after the CPD rewrote its use-of-force policies, the City continues to intentionally and willfully ignore these warnings.

**2. CPD's New Use-of-Force Policy Does Not Acknowledge Disability.**

297. The City's new policies on use of force still fail to identify disability as a relevant consideration in officers' use and degree of force.

298. In April 2017, McGuire Woods—a law firm hired by the City for a review—recommended providing CPD officers with a list of factors to consider regarding use of force. The firm found that many other police departments' use-of-force policies incorporate a compilation of factors that are to be considered when the officer is determining whether to apply force or when evaluating whether an officer has used reasonable force. Those factors included any disability of the subject.

299. Nonetheless, in May 2017, the City proposed a new use-of-force policy that fails to include a list of such factors. The policy does not acknowledge that disabilities should be considered in whether force is objectively reasonable or whether force is proportional to a threat.

300. CPD's new policy on the use of Tasers (G03-02-04) similarly does not require officers to consider a subject's disability when deciding whether and how much to use a Taser. This is despite the fact that the DOJ specifically recommended that the CPD revise its Taser policies to limit Taser use on people in a mental health crisis, after finding excessive use of Tasers on people with mental illness.

**3. CPD's Use-of-Force Policies Authorize Using Tasers on Fleeing Subjects.**

301. Under its previous and under its new use-of-force policies, the City allows CPD officers to stun, OC spray, use canines, and discharge Tasers if a suspect flees.

**C. The City Refuses to Adequately Train Its Police Officers.**

302. The City's unlawful practices are also perpetuated by its refusal to invest resources into training CPD officers. As a result, there are engrained deficiencies in CPD's training system. The DOJ's interviews found that "[o]fficers at all ranks—from new recruits to the Superintendent—agree that CPD's training is inadequate." (*Id.* at 94.)

303. The City's training failures occur at CPD officers' initial training and throughout their career, and the training is inadequate both in terms of the quality and quantity. The DOJ found:

(a) "Pre-service Academy training relies on outmoded teaching methods and materials, and does not equip recruits with the skills, knowledge, and confidence necessary to serve Chicago communities. For example, we observed an Academy training on deadly force—an important topic, given our findings regarding CPD's use of force—that consisted of a video made decades ago, which was inconsistent with both current law and CPD's own policies. The impact of this poor training was apparent when we interviewed recruits who recently graduated from the Academy: only one in six recruits we spoke with came close to properly articulating the legal standard for use of force." (*Id.* at 10.)

(b) "Post-Academy field training is equally flawed. The Field Training Officer (FTO) Program, as currently structured, does not attract a sufficient number of qualified, effective leaders to train new probationary police officers (PPOs), has an

insufficient number of FTOs to meet demand, and fails to provide PPOs with appropriate training, mentorship, and oversight.” “Significant changes to the Field Training Program are necessary to ensure PPOs are adequately prepared to police constitutionally and safely.” (*Id.* at 10, 97.)

(c) “[I]n-service training is not provided pursuant to any long-term training plan or strategy. . . . CPD is often called upon to deliver ad-hoc trainings on tight timelines in response to crises. Consequently, in-service trainings are often incomplete and ineffective at teaching officers important skills and information.” The DOJ emphasized: “The impact of the lack of in-service training cannot be overstated. Without regular, mandatory training, CPD officers do not receive ongoing instruction on critically important topics, such as proper use of force [and] responding to persons in mental health crisis . . . . This prevents officers from accepting and emulating a culture of constitutional and fair policing.” (*Id.* at 10, 100.)

304. The DOJ recommended that the City work with community members from Chicago’s diverse racial, ethnic, and disability groups to create and deliver cultural awareness training with the CPD, and to inform and suggest the development of additional measures that may improve police-community relations. The City has failed to do so.

**1. The City Does Not Adequately Train CPD Officers on Use of Force.**

305. The DOJ investigation revealed that “CPD has not provided officers with adequate guidance to understand how and when they may use force, or how to safely and effectively control and resolve encounters to reduce the need to use force.” (*Id.* at 5.) The City’s training has resulted in CPD officers who are unprepared to police lawfully and effectively—and they know it. DOJ reported that “interviewees were unanimous in their belief that the lack of

continuing training has a direct connection to the improper use of force in patrol and other field assignments.” (*Id.* at 100.)

306. CPD officers have not been adequately trained on whether and how to use Tasers. The DOJ found that the City’s recent CPD-wide “Taser training exemplifies CPD’s problematic approach to in-service training. Large numbers of officers were cycled through this important training quickly in order to meet a deadline set by the City, without proper curriculum, staff, or equipment. This left many officers who completed the training uncomfortable with how to use Tasers effectively as a less-lethal force option—the very skill the training was supposed to teach.” (*Id.* at 10.)

307. Though the City has publicly promised to improve training during and in response to the DOJ review, the DOJ expressed significant skepticism regarding whether the CPD will effectively do so given its “haphazard approach” to training.

**2. The City Does Not Adequately Train Officers Regarding Disabilities.**

308. The City also has failed to train CPD officers on how to serve and protect individuals with disabilities. Symptoms of mental illness, deafness, and intellectual and developmental disabilities may be demonstrated in behavior that appears non-cooperative, or even criminal, and inadequately trained CPD officers often fail to recognize these symptoms and unnecessarily escalate situations.

309. Although the Americans with Disabilities Act requires law enforcement to provide reasonable accommodations to people with disabilities when needed during their encounters with police, the City has failed to provide its officers with necessary training and guidance on how, when, and where to do so.

310. The DOJ recommended that the City “[d]evelop and implement policy and training to better identify and respond to individuals with known or suspected mental health

conditions, including persons in mental health crisis and those with intellectual or developmental disabilities ('I/DD') or other disabilities." (*Id.* at 153.) The City has failed to do so.

311. Back in 2004, the CPD began training a selection of its officers on a CIT approach to responding to persons in crisis. Studies have found CIT training in tandem with proper policies, resources, and supervision can reduce the use of force in encounters with persons with mental illness. In the past decade, however, the City significantly reduced the number of personnel assigned to run the CIT program, leading to a bottleneck for training officers and eliminating resources for critical functions such as evaluating CIT incidents.

312. Despite acknowledging the need for more CIT training, the City has failed to implement the administrative and procedural changes necessary. For example, the CIT unit had nine staff members in 2008; the number had dropped to four members by early 2016; and by the end of 2016 the number had further dropped to three. None of the City's public updates on its "self-reform," nor its responses to FOIA requests give any indication that it has increased the number of staff in the CIT unit, despite the explicit warnings of the Task Force and DOJ that it must do so.

313. As with CPD encounters with people with disabilities in other contexts, the City "does not currently collect data on CIT calls in a way that would allow it to make informed staffing and deployment decisions to ensure an adequate number of CIT officers to cover all shifts in all districts." (*Id.* at 40.) The CPD's September 2017 response to a FOIA request shows that the City is still not tracking the basic information needed to make informed CIT staffing and deployment decisions, including how many CIT officers are currently available. For example, when asked the number of CIT teams available in each police district as of June 1, 2017, the CPD stated that it did not have any such records.

314. The ongoing harm caused by the City's failure to assess its CIT needs is not otherwise being mitigated. As of April 2016, only 15% of CPD officers were certified as CIT officers and the Task Force recommended increasing that to 35%. Information obtained through FOIA shows that the CPD has not been training enough officers to come anywhere close to that goal.<sup>2</sup> The City is not ensuring that there are enough CIT-trained officers to respond to incidents requiring such training, either by training a significant number of CPD officers in CIT city-wide, or by targeting its training to officers in districts with fewer CIT-trained officers or more CIT emergency calls.

315. The City also does not assess the effectiveness of its CIT program or officers, according to its response to a FOIA request. Without such an assessment, the City cannot know whether its current training is effectively preparing officers to respond to incidents and whether certain officers are in need of re-training or do not have the requisite skills to be assigned CIT calls.

**D. The City Fails to Supervise Officers' Use of Force.**

**1. The City Does Not Monitor Officers' Use of Force.**

316. The City's system for supervising officers leads again and again to mistreatment of people of color and people with disabilities in part because the City does not monitor officers' use of force. The DOJ found that, "[r]ather than ensuring that officers under their watch are policing constitutionally, many sergeants instead focus on keeping their subordinates out of trouble when there may be reason for discipline." (*Id.* at 105.) Specifically:

(a) Supervisors do not review the disciplinary and complaint records of the officers they are supervising.

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<sup>2</sup> In the fourteen months after the Task Force issued its recommendation, CPD held trainings with a mere 437 participants, or, approximately 3.5% of all officers.

(b) Officers routinely fail to include factual information in written reports to justify their use of force, and instead use meaningless boilerplate language that is routinely approved by supervisors.

(c) Supervisors are supposed to respond to the scene of each use of force and investigate every such incident, but they rarely do.

(d) Although the City is required by law to investigate Taser discharges and officer-involved shootings where no one is hit, “in practice, it investigates neither.”

317. The City has been unable or unwilling to implement even its own modest, specific recommendations to improve supervision of officers’ use of force. A blatant example is the CPD’s delay in reporting officers’ weapon discharges to IPRA, the agency responsible for investigating when an officer fires a weapon, injures or kills someone.

318. At the end of 2016, IPRA recommended that the CPD decrease the average amount of time it took CPD to notify IPRA of a weapon discharge from 50 to 10 minutes. Six months later, IPRA reported that the patterns it observed in 2016 have continued into 2017: “Notifications have taken 22 minutes to nearly two hours (1 hour and 47 minutes). Since making the recommendation last year, *none* of the notifications have met our previously recommended length of less than 10 minutes.” This delay in weapon discharge notification hampers IPRA’s ability to investigate these shootings.

319. The CPD also fails to collect and analyze information necessary to monitor whether more CPD officers need training regarding disabilities, or to supervise CPD officers’ use of force on individuals with disabilities.

320. Even for incidents that rise to the level of a CIT response, the “CPD has no ability to analyze the most concerning crisis incidents to evaluate its response.” (*Id.* at 40.) Although

CPD has “a Crisis Intervention Report that is designed to capture important information about its response to crisis calls . . . . Even under CPD’s newly revised policies, however, officers do not complete this form if the incident requires any other reporting. Thus, if an officer uses force during the crisis call, the officer will be required to fill out a Tactical Response Report (TRR) and therefore is not required to fill out a Crisis Intervention Report. . . . [T]he TRRs provide very little information about a use of force and include almost none of the information necessary to evaluate whether the crisis response was appropriate.” (*Id.*)

321. DOJ’s review of force incidents found many examples of force, including deadly force, being used against individuals with mental illness. Yet it “did not see any evidence that CPD had engaged in after-action analysis to determine whether: the force used was reasonable and necessary; the incident had been recognized as a crisis incident and if not, why not; a CIT officer was dispatched to the scene and, if not, whether there were any barriers to dispatching a CIT officer; the officer used crisis intervention techniques; or the incident demonstrated that improvements in policy or training are needed.” (*Id.*)

322. Though local law requires IPRA to investigate officer weapon discharges, the DOJ found that the City is failing to investigate most Taser discharges and no-hit shootings.

323. Even when the City investigates officer-involved weapon discharges, its investigations do not provide any supervision of officers’ use of force. In March 2017, a law firm hired by IPRA issued a report making factual findings regarding IPRA’s investigations of police-involved shootings and found insufficient: on-scene investigative steps and follow-up investigation; interviews of involved officers; efforts to locate and interview civilian witnesses; and interviews of civilian witnesses. The report also criticized the City’s failures to: analyze officer statements for discrepancies or inconsistencies; analyze officer statements against

physical evidence; analyze officer statements against witness statements; explore and assess key issues; address legal standards with specificity; analyze and assess broader tactical conduct, judgment, and adherence to training; have any meaningful supervisory or specialized input; have consistency of assigned investigator; and keep complete files.

**2. CPD's Code of Silence Prevents Internal Detection of Misconduct.**

324. The City, its leadership, CPD leadership, and individual police officers all acknowledge that a “code of silence” exists among CPD officers, ensuring both that they stay silent about other officers’ transgressions and that they take affirmative efforts to lie and conceal evidence of officer misconduct. One CPD sergeant told the DOJ: “if someone comes forward as a whistleblower in the Department, they are dead on the street.” (*Id.* at 75.)

325. The City’s inaction has perpetuated this custom. Investigative agencies such as IPRA and the BIA treat officers’ “efforts to hide evidence as ancillary and unexceptional misconduct, and often do not investigate it, causing officers to believe there is not much to lose if they lie to cover up misconduct.” (*Id.* at 9.) IPRA rarely asserts charges “when officers make false exculpatory statements or denials in interviews about alleged misconduct, even when the investigation results in a sustained finding as to the underlying misconduct.” (*Id.* at 76.)

326. Collective bargaining agreement (“CBA”) provisions that the City agreed to, when combined with the City’s failures to implement countervailing policies to ensure accountability, gut the integrity of investigations. For example, a CBA provision requires IPRA to wait 24 hours before interviewing officers regarding incidents.

327. The DOJ detailed how this procedure provides an opportunity for officers to collude and cover-up:

Allowing involved officers to engage in private, unrecorded conversations with the commander, supervising sergeants, detectives, and union staff before ever speaking with IPRA allows for the inadvertent or intentional

conflating of recollections, or the appearance thereof, and greatly impairs IPRA's investigative abilities. If false or mistaken narratives justifying shootings are created during these private conversations and advanced in reports and officer statements, it is exceedingly difficult for even well-trained and diligent investigators to accurately evaluate whether the shooting was justified.

(*Id.* at 57.) Unlike police departments in other major U.S. cities, “[n]o CPD policy requires involved or witness officers to separate themselves and avoid speaking to each other about a deadly force incident.” (*Id.* at 58.)

328. Earlier this year the DOJ clearly and specifically told the City how to alter their policies:

CPD rules should at a minimum prohibit officers from discussing the incident (other than with counsel) outside of IPRA's presence, and this rule should be stringently enforced with significant penalties imposed for violations. To the extent these restrictions conflict with CBA notice provisions, such as the provision requiring that IPRA provide witness officers with two-hour notice and accused officers with 24-hour notice before interviews, then these provisions should be renegotiated or, alternatively, all witness discussions with CPD must likewise be delayed until IPRA can participate.

(*Id.*) The City has not made these changes.

### **3. The City Discourages External Complaints of Officer Misconduct.**

329. Despite the City's prior knowledge of the need for more oversight of CPD officers, the City entered into agreements with police unions to codify a municipal policy of discouraging civilian complaints against CPD officers. The City agreed to a collective bargaining agreement with provisions designed to reduce external reporting of misconduct by requiring affidavits, prohibiting anonymous complaints, and preventing investigation of older incidents.

330. The City also allows a custom of officers and supervisors discouraging the filing of external complaints. CPD officers routinely intimidate potential complainants and witnesses from filing or testifying regarding misconduct, including by filing false assault and battery

charges against the victims and witnesses. CPD supervisors often refuse to accept complaints of officer misconduct, including excessive force, and they are not investigated or disciplined for these refusals.

**4. The City Does Not Track Complaints Against CPD Officers.**

331. The City does not track the behavior of, or complaints against, its CPD officers in a way that would identify repeat offenders. It also does not take adequate action to discipline or re-train repeat offenders of which it is aware.

332. The CPD has a data-tracking program (Performance Recognition System) that is meant to help supervisors recognize adverse behavior of officers under their command, but this program is “rarely” used and the DOJ found that supervisors do not understand how to use it. While supervisors reported not using it because it was not accurate, the DOJ pointed out that this had become a self-fulfilling prophecy: It was “inaccurate because CPD does not use it properly or consistently.” (*Id.* at 112.) The CPD does nothing to audit supervisor adherence to its use.

333. The CPD has intervention programs to which officers can be referred based on behavioral criteria, but these programs are ineffective and underutilized. For example, between January 2010 and July 2016, the CPD enrolled only 38 officers in its Behavior Intervention System (“BIS”), despite there being 1,627 officers with five or more misconduct complaints during this time period. Not enough officers are referred for intervention, and the CPD is not ensuring that those who are referred are actually enrolled.

334. Furthermore, the collective bargaining agreements the City agreed to require the City to ignore and even destroy evidence of past misconduct, further impeding its ability to detect patterns of misconduct.

335. The City’s refusal to detect patterns of misconduct encourages its police officers to perpetuate an unchecked practice of excessive force. For example, the DOJ’s review of use-of-

force files found two “egregious examples of excessive force where, in each incident, the officers involved had extensive histories of complaints of excessive force but were not on the BIS roster.” (*Id.* at 115.)

336. On August 25, 2017, the City publicly released an update on its plan for self-reform. The plan is silent on whether the City intends to train supervisors on how to use CPD’s Performance Recognition System, or otherwise improve inputs into the system, and it also does not address how it will improve intervention systems like BIS. It appears that the City is instead developing a new system that it is “targeting” to launch in early 2019. The City does not explain how district command staff’s trust in or use of a new system will be improved, nor does it describe training or policies designed to ensure that a new system is used more effectively than the current programs.

#### **5. The City Fails to Investigate Complaints About Its Police Officers.**

337. The DOJ’s report found that the structure of how the City and the CPD investigate use of force complaints means “there is no meaningful, systemic accountability for officers who use force in violation of the law or CPD policy.” (*Id.* at 7.) The City has “helped create a culture in which officers expect to use force and not be questioned about the need for or propriety of that use.” (*Id.*) Individual officers know that they can use excessive force and will not be held accountable because:

- (a) The City does not investigate complaints that are too old or that are not supported by an affidavit. The City’s collective bargaining agreement generally prohibits such investigations, but the agreement includes an “override” provision. The override provision is a catch-22: It requires that objective verifiable evidence exist *before* an investigation begins to allow an investigation into whether evidence supports a

complaint. It is unsurprising then that the City's policy, practice, or custom is not to use it: In the last five years, it was only used 17 times.

(b) A significant number of complaints that are eligible to be investigated, are not investigated by the two agencies in charge of investigating police misconduct. From 2011 to 2015, 40% of complaints filed were not investigated by either IPRA or the BIA, and were instead referred to the 22 individual police districts for investigation.

(c) The City does not even necessarily investigate claims that result in a judgment because a court or jury found excessive force was used, or that the City deems worth settling. The DOJ found that the City has "paid over half a billion dollars to settle or pay judgments in police misconduct cases since 2004 without even conducting disciplinary investigations in over half of those cases, and it recommended discipline in fewer than 4% of those cases it did examine." (*Id.* at 46.)

(d) When investigations do occur, they are incomplete, biased in favor of the officers, and not designed to uncover facts. The DOJ found many cases in which investigators failed to interview witnesses, including officer witnesses and even the accused officers. Investigators often allow union representatives and attorneys to coach officers in the middle of testifying, fail to collect basic and necessary evidence, and use leading questions to help the accused officers.

(e) Though some misconduct cases are also the subject of a parallel criminal investigation, BIA and IPRA investigators do not review those proceedings to discover evidence or witnesses to assist in their investigations.

338. The City's failure to properly investigate complaints that are filed is another missed opportunity for it to address the pattern of excessive force by CPD officers. The City has

admitted that complaints of excessive force are the largest percentage of complaints that IPRA investigates. Of complaints filed between April 1 and June 30, 2017, 49% were categorized by IPRA as relating to excessive force. Of the investigations that were pending with IPRA as of June 30, 2017, 47% related to excessive force or use of force.

339. Although the City has, once again, pledged to reform itself, the DOJ found that the proposed reforms, including replacement of IPRA with COPA, do “not directly address many of the problems we identified with IPRA’s deeply flawed investigative system.” (*Id.* at 92.) The DOJ found that without true changes to the investigative practices, “COPA’s expanded investigative authority simply exacerbates these investigative problems.” (*Id.* at 93.) The City must implement “more than a name change to repair the broken trust that surrounds this investigative agency, particularly since most residents remember the last time the City employed this same rebranding strategy eight years ago when it replaced OPS with IPRA. . . . [T]he systematic and entrenched nature of the deficiencies we identify cannot be remedied by these reforms alone.” (*Id.*)

340. Indeed, a November 2017 joint investigative report by the Chicago Tribune and ProPublica found that COPA is working within the same labyrinthine system that has long contributed to a lack of accountability for CPD officers. Records are kept on paper and shuffled (and lost) between the oversight agencies and the CPD without any management system in place to track cases.

**E. The City Fails to Discipline Officers When Improper Use of Force Is Identified.**

341. Even where the City thoroughly investigates a CPD officer and finds improper use of force or inappropriate treatment of people with disabilities, the City is unlikely to impose any real consequences on the CPD officers for his or her actions. The DOJ found:

On the rare occasions when an allegation of misconduct is sustained, and the even rarer occasions when the sustained finding results in true discipline, CPD initiates a convoluted, lengthy process of determining, and revisiting, the appropriate discipline through several layers. The lack of guidance for determining the initial disciplinary penalty; the many opportunities for second-guessing and undermining the penalty; and the amount of time this process takes, has made CPD's disciplinary policy illegitimate in the eyes of officers and the public alike, and rendered it ineffective at deterring misconduct and contributing to a culture of integrity.

(*Id.* at 80.)

342. Many serious misconduct cases are resolved through a process called mediation, which was originally intended to apply to minor infractions only. The DOJ found that mediation is “a euphemism for a plea bargain” from which the complaining party is completely excluded.

(*Id.* at 54.) “This standardless plea bargaining system is an impediment to appropriate investigation and true accountability.” (Ex. B, at 78.)

343. In cases in which officer discipline is recommended, arbitrators reduce the disciplinary recommendations over 56% of the time, and eliminate discipline altogether over 16% of the time, so that the discipline originally recommended is imposed only 27% of the time.

**F. The City's Discipline is Inconsistent and Arbitrary.**

344. The DOJ found that even when the City disciplines CPD officers the discipline is inconsistent and arbitrary, which undermines its effectiveness at deterring future police misconduct.

345. In February 2017, the CPD unilaterally attempted to impose a discipline matrix to alleviate this problem. The CPD, however, refused to adopt the DOJ's recommendations about the matrix. The DOJ had found that some categories were too broad, such as “member fails to ensure that a person's civil rights are not violated[,]” making it unlikely discipline will be applied consistently and fairly. The DOJ also found the matrix allowed for too low of punishments and

mitigation when it should not be allowed. For example, the matrix allowed mitigation for the offense of “verbal abuse-racial/ethnic.” In other words, officers could offer excuses for using racist language.

346. However, even the City’s half measure may not be sustained. In November 2017, an Administrative Law Judge recommended that the matrix be rescinded because the City failed to negotiate the matrix with the police union.

347. The City is unable or unwilling to legally implement disciplinary measures to control CPD officers’ misconduct.

**IV. The City’s Ample Notice Demonstrates That It Is Deliberately Indifferent to the Harm It is Causing.**

**A. The City Was Repeatedly Warned About Its Inadequate Training and Culture of Police Brutality.**

348. The City’s practice of using force in violation of its residents’ rights is entrenched and well-known. The City, its officials, and the federal government have repeatedly authorized investigations into the CPD, issued factual findings, and identified necessary reforms. These reports lead to promises for self-reform, but ultimately the City has failed to end its unconstitutional and unlawful policies, practices, and customs.

349. In the 1970s, U.S. Representative Ralph Metcalfe conducted a panel to investigate police abuse in Chicago. The panel was convened after several high profile incidents of police abuse. First, on March 13, 1972, Dr. Herbert Odom, a prominent black dentist, was pulled over for a minor traffic violation, then thrown onto the hood of his car and handcuffed when he protested being searched in the street. The handcuffs were so tight that his wrists were injured and he was unable to perform a surgical procedure the next day. Then, on April 15, 1972, Dr. Daniel Claiborne, also a black dentist, suffered a stroke while driving and crashed into a parked car. A CPD officer dragged Dr. Claiborne from his car, incompetently concluded that he was

drunk, arrested him, and placed him—unconscious—in a cell without any medical attention. He later died as a result of the delay in receiving medical treatment.

350. After the City failed to address the community's concerns, Rep. Metcalfe assembled the Blue Ribbon Panel Hearings. The panel issued a report documenting the widespread, unnecessary, and too-often-fatal use of force on citizens by the CPD. Rather than promoting public safety, the panel found that “[s]uch conduct – particularly the use of excessive force – violates the constitutional rights of its victims and the criminal laws of the State of Illinois, and poisons police-community relations.” The panel noted that 75% of persons killed in Chicago were black, and that a black person was over six times as likely to be killed by the police as was a white person. The panel found a “pattern of proven ineffectiveness of the police discipline system” to discover and punish unlawful conduct.

351. In 1997, City Mayor Richard M. Daley appointed a Commission on Police Integrity to investigate corruption and brutality by the CPD. The Commission issued recommendations that the City has still failed to enact. For example, the Commission recommended “establishing an ‘early warning system’ to alert command personnel when an officer may be involved in a pattern of misconduct.” The report explained that “[v]irtually every major city police department in the country recognized the need for [such] a mechanism,” due to a simple premise: “small problems become big ones if left unattended.” The Commission emphasized that “non-sustained” complaints against officers were not necessarily “unfounded,” and therefore “some system needs to be in place which allows the [CPD] to take some appropriate action when a clear pattern of non-sustained complaints exists.” The report also recommended that the City take steps to expedite the disciplinary process for CPD officers

because “the amount of time that passes between an infraction of the [CPD’s] rules and the imposition of a sanction sends a message that the misconduct is not being taken seriously.”

352. The City has repeatedly received jury verdicts against it over the past few decades, putting it on further notice of its unlawful policies and practices. For example, in 2003 in *Garcia v. Chicago*, No. 01-cv-8945 (N.D. Ill.), a federal jury found that as of 2001 the City had a custom and practice of not adequately investigating, disciplining, or prosecuting off-duty Chicago police officers who use excessive force.

353. In February 2007 in *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill.), a federal jury found that as of 1994 the CPD maintained a code of silence that facilitated police misconduct.

354. In November 2012, a federal jury in the case of *Obrycka v. City of Chicago, et al.*, No. 07-cv-2372 (N.D. Ill.), found that the City had either a widespread custom or practice of failing to investigate and/or discipline its officers, or a widespread custom or practice of a police code of silence, or both, which was the moving force behind a CPD officer’s beating of Obrycka in February 2007.

355. A federal jury in the case of *First Midwest Bank v. City of Chicago, et al.*, No. 14-cv-9665 (N.D. Ill.) in 2017 found that the City maintained the following policies, customs, or practices that were so persistent and widespread as to constitute the City’s standard operating procedure in 2010: failure to investigate, failure to discipline, and failure to maintain an adequate early warning system regarding CPD officers. The jury further found that the City’s failure to discipline and failure to maintain a warning system caused CPD officer Patrick Kelly to intentionally or with reckless indifference shoot a man in the head.

356. In April 2014, CPD First Deputy Superintendent Alfonza Wysinger testified before the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human

Rights, at a hearing addressing law enforcement responses to Americans with disabilities. His testimony confirmed that the City knew it was failing to adequately train CPD officers for interacting with individuals with disabilities. Wysinger acknowledged that police in Chicago were receiving “increasing numbers of calls for service to respond to situations involving individuals with mental illness.” He explained that “because no more than 20% of [CPD’s] patrol officers are CIT-trained, less than a majority of mental health related calls were responded to by a CIT-trained officer. Thus, the outcomes of many thousands of mental health related calls were not benefited by interaction with an appropriately trained officer.” He stated that this practice “add[ed] unnecessary risk of physical altercation and bodily harm during those calls[.]”

357. In 2014, the City asked global management consulting firm A.T. Kearney and Chicago-based law firm Schiff Hardin to conduct an independent review and assessment of what the CPD was doing to prevent and address police misconduct and to suggest ways to improve. Their December 2014 findings detailed the need for CPD to adopt discipline guidelines, discharge officers engaging in the code of silence, and improve supervisory effectiveness and accountability. The report warned the City of the existence of significant failures in their training, supervising, and disciplining of CPD officers that kept the City from preventing future misconduct. It pointed out that the CPD did not use education and training as disciplinary options, even though in some situations “traditional punishments of reprimand or suspension run the risk of making the offending officer bitter without helping her to perform her responsibilities more effectively.” It also detailed the many ways officers could, and were, significantly delaying and preventing the implementation of punishment recommended by IPRA.

358. In the face of the many reports of a culture of brutal force and cover-up from multiple groups hired *by the City*, multiple decision-makers of the City have admitted that there

is an entrenched culture of unnecessary force and an unwritten policy of a code of silence. For example, in December 2015, Mayor Rahm Emanuel said in an interview that “there is no doubt” that there is a code of silence “culture” among police officers. In March 2016, former CPD Superintendent Richard Brzeczek said in an interview that there was no question that the CPD’s code of silence existed during his tenure in the 1980s through today.

359. Despite repeated notice to the City of its inadequate training of officers and the existence of a custom of CPD officers using excessive force with impunity, the City’s unlawful practices continue. Not only has the City failed to act on repeat warnings that it must better supervise and discipline CPD officers, but the City further committed itself to a hands-off approach in 2012 by entering into a collective bargaining agreement with provisions designed to *prevent* the detection and discipline of officers with patterns of misconduct. As a result, today witnesses are deterred from filing complaints about CPD officers; many filed complaints are not investigated; those that are examined result in discipline in less than 4% of the time; and it takes an average of 2.5 years for IPRA to complete an investigation.

360. Representative Metcalfe wrote in his 1972 report: “The time for action, for police reform, has come.” Forty-five years later, the people of Chicago are still waiting for the City to act.

**B. Numerous Incidents Also Made Obvious the Need for the City to Develop and Implement Policies, Practices, and Procedures With Respect to Individuals With Disabilities.**

361. In addition to receiving notice from various government-authorized investigations, media reports and lawsuits also made obvious how necessary it was for the City to modify its policies, practices, and procedures to avoid discriminating against individuals on the basis of disability in the provision of emergency and policing services, programs, and activities.

**1. Tim Crotty**

362. On May 6, 2002, Tim Crotty walked into a Chicago police station, mumbling unintelligibly and holding his pants in one hand, and a collapsible knife in the other. Soon after, a CPD officer shot and killed him.

363. According to a *Chicago Tribune* interview with the security guard in Crotty's apartment building, Crotty was not known to be violent; when he would emerge from his apartment shouting every six months, they would call his social worker to administer medication.

**2. Christina Eilman**

364. In the afternoon of May 7, 2006, a young Californian woman with mental illness named Christina Eilman was seen dancing in circles, "ranting" at people, and exposing herself on the subway platform at Chicago's Midway Airport.

365. Instead of transporting her for a mental health assessment, CPD officers arrested Eilman and transferred her to a police station in Englewood.

366. The next day, after disregarding several phone calls from her parents in which they described her bipolar disorder and voiced their concerns for her safety, the officers discharged her and left her to wander unfamiliar streets alone.

367. Soon after, she was abducted and sexually assaulted in a nearby public housing project, according to court filings and news reports. Eilman then either fell, jumped, or was pushed from a seventh-floor window, leaving her unable to walk and with limited cognitive ability.

368. Her parents sued, and the City agreed to pay \$22.5 million to settle the case.

**3. Philip Coleman**

369. On December 12, 2012, the mother of Philip Coleman called the police for help with her adult son.

370. When CPD officers arrived, Coleman was having a mental breakdown. Rather than take him to a hospital, police arrested him.

371. Publicly released video footage shows that, the next day, six officers entered the holding cell where Coleman was sleeping to take him to his bond appearance. As Coleman stood up, officers Tased him multiple times, then placed him in handcuffs and dragged him out of the cell by the handcuffs.

372. According to court filings, he was eventually taken to a hospital, where he was Tased again and given a sedative. He died a few hours later.

373. Taser discharge records show that Coleman was Tased 16 times during the 22 hours that he was in police custody.

374. Coleman's father sued the City. Judge Matthew Kennelly held that one of the officers involved "chose to use brute force when it was no longer necessary" and "unquestionably used excessive force in pulling Mr. Coleman's hands over his head and dragging him from the cell."

375. On April 13, 2016, the City Council approved a \$4.95 million settlement.

376. In response to the video of Coleman's Tasing and dragging, Mayor Emanuel said he did not "see how the manner in which Mr. Coleman was physically treated could possibly be acceptable. . . . Something is wrong here—either the actions of the officers who dragged Mr. Coleman, or the policies of the department."

#### **4. Terrance Harris**

377. On October 23, 2013, CPD officers shot and killed Terrance Harris in his mother's basement.

378. According to a lawsuit filed by his mother, she called the police because her son was suffering from an acute mental health episode caused by a diagnosed mental illness.

379. When officers arrived, Harris refused to open the door and at least one officer heard him making nonsensical statements.

380. Officers then forced open the front door and a sergeant stepped into the entryway, where Harris cut him with a knife. The officers retreated and called for backup, and Harris hid in the basement.

381. His mother alleges that she went outside where dozens of officers had gathered and informed them that Harris was off of his medication.

382. Despite this information, as well as the fact that the City should have known about his mental health issues because of prior 911 calls to that address, no attempt was made to dispatch a CIT-trained officer or apprehend him without lethal force. Instead, a dozen officers stormed the home with their guns drawn and entered the basement without attempting to de-escalate the situation.

383. Three officers then fired 32 rounds, hitting Harris a total of 29 times.

384. According to the *Chicago Tribune*, the three officers who fired their guns were cleared by IPRA, after other officers in the house told IPRA that they did not have a clear view of the incident.

## **5. Laquan McDonald**

385. On October 20, 2014, 17 year-old high school student Laquan McDonald was shot and killed by a CPD officer.

386. McDonald had learning disabilities and was diagnosed with complex mental health problems, including post-traumatic stress disorder. McDonald suffered physical and sexual abuse as a child and had three psychiatric hospitalizations by the age of 13, during which time he was diagnosed with post-traumatic stress disorder and other serious mental illnesses.

387. In October 2014, officers were responding to a call about a man with a knife breaking into cars. Publicly released video footage shows that McDonald was walking in the middle of the street, holding a three-to-four-inch long folding knife, and was moving away from the officers.

388. Even though several other officers were already on the scene by the time Officer Van Dyke and his partner arrived, Van Dyke jumped out, drew his weapon, and began firing at McDonald within six seconds of his arrival, according to then Cook County State's Attorney Anita Alvarez.

389. Van Dyke unloaded all sixteen bullets from his gun into the teen over a period of 14 to 15 seconds, even though McDonald fell to the ground within a couple of seconds of Van Dyke's first shot. Most of Van Dyke's bullets hit McDonald while he was lying limp on the ground.

390. In November 2015, the City finally publicly released video of McDonald's killing, visually demonstrating how multiple CPD officers had filed false reports to cover-up the murder. For example, one report stated that McDonald "was attacking with a knife . . . trying to kill" Van Dyke, while the video shows that McDonald never faced Van Dyke or moved toward him.

391. Officer Van Dyke was the first CPD officer charged with first degree murder in nearly 35 years—despite the fact that hundreds have been shot to death by CPD officers during that time period.

392. The City's Task Force found: "The truth is that at the time Van Dyke fired the first of 16 shots, Laquan McDonald posed no immediate threat to anyone." (*Id.* at 4.)

**6. James Anderson**

393. According to a lawsuit filed against the City, on September 25, 2015, the mother of 33-year-old James Anderson summoned police to her home by calling 911 because her son, who had a mental illness, had stopped taking his medication. He was confused and not attending to his personal hygiene, so his mother called 911 to have him escorted to the hospital in an ambulance to stabilize his behavior and regulate his medication, as she had done in the past.

394. On this occasion, three CPD officers arrived and his mother explained that he was unarmed, not violent, and had no history of violent behavior; he simply needed to go to the hospital. She told them that he was in his room listening to music.

395. An officer drew his weapon, knocked on Mr. Anderson's door, and got into a shooting position. The other two officers were also present.

396. As Anderson emerged from the bedroom unarmed, the officer shot him seven times, killing him.

397. The officers later claimed that he was holding a "knifelike object" and refused orders to drop the weapons, and that they twice attempted to Taser him.

398. Despite the fact that the City is and has been spending tens of millions of dollars each year to settle lawsuits filed due to police misconduct, it has not adopted a system for evaluating and addressing the risk issues identified in the lawsuits. As a result, the Plaintiffs remain at risk of serious harm.

**CAUSES OF ACTION**

**COUNT 1: Fourth Amendment, Section 1983**

(all Plaintiffs v. the City)

399. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

400. Through its deliberate indifference the City encouraged, tolerated, and ratified a widespread practice of excessive force by CPD officers by its failure to adequately train, supervise, discipline, and control officers.

401. The City's actions are the cause and moving force behind the deprivation of the Plaintiffs' rights under the Fourth Amendment to the U.S. Constitution, pursuant to 42 U.S.C. § 1983.

402. As a direct and proximate result, Plaintiffs have suffered injuries and are at continuous risk of being subjected to additional injuries and harm.

403. Plaintiffs are entitled to declaratory and injunctive relief, and attorneys' fees and costs.

**COUNT 2: Americans with Disabilities Act (ADA), 42 U.S.C. § 12132**

(Communities United, Next Steps, ONE Northside, and the ACLU of Illinois v. the City)

404. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

405. Plaintiffs have members who are individuals with disabilities as defined by the ADA, as set forth in more detail above. Plaintiffs' members with disabilities are qualified individuals because they reside in the city of Chicago and rely on the Chicago Police Department for protection and police services.

406. The City of Chicago is a public entity within the meaning of the ADA, 42 U.S.C. § 12131(1)(a), (b).

407. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132.

408. The regulations implementing Title II of the ADA provide that:

A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration – (i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability; [or] (ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities.

28 C.F.R. § 35.130(b)(3).

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

28 C.F.R. § 35.130(b)(7).

409. Defendants have violated, and will continue to violate, the rights of Plaintiffs under Title II of the ADA in the following ways: discrimination on the basis of disability; denying reasonable accommodations during police encounters; and maintaining use of force policies and practices that disparately impact people with disabilities. *See, e.g.*, 28 C.F.R. 35.130(a), 28 C.F.R. 35.130(b)(1), 28 C.F.R. 35.160.

410. The City has been deliberately indifferent to the discrimination against people with disabilities by CPD officers and the need for more and different policies, practices, supervision, and control to prevent the violation of the rights of individuals with disabilities.

411. As a result of the violations of Title II, Plaintiffs have been denied the services and benefits of the CPD, including safe and non-violent interactions with police.

412. As a direct and proximate result, Plaintiffs have suffered injuries and are at continuous risk of being subjected to additional injuries and harm.

413. Plaintiffs are entitled to declaratory and injunctive relief, and attorneys' fees and costs.

**COUNT 3: Section 504 of the Rehabilitation Act, 29 U.S.C. § 794**

(Communities United, Next Steps, ONE Northside, and the ACLU of Illinois v. the City)

414. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

415. Section 504 of the Rehabilitation Act states that no otherwise qualified individual with a disability shall be "excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 29 U.S.C. § 794(a).

416. The City is subject to the Rehabilitation Act as a public entity that receives federal financial assistance. 29 U.S.C. § 794(b); C.F.R. § 27.1.

417. The City of Chicago is a public entity.

418. Plaintiffs have members who are individuals with disabilities, as set forth in more detail above. Plaintiffs' members with disabilities are qualified individuals because they reside in the city of Chicago and rely on the Chicago Police Department for protection and police services.

419. Defendants have violated, and will continue to violate, the rights of Plaintiffs in the following ways: discrimination on the basis of disability; denying reasonable accommodations during police encounters; and maintaining use of force policies and practices that disparately impact people with disabilities.

420. The City has been deliberately indifferent to the discrimination against people with disabilities by CPD officers and the need for more and different policies, practices, supervision, and control to prevent the violation of the rights of individuals with disabilities.

421. As a result of these violations, Plaintiffs have been denied the services and benefits of the CPD, including safe and non-violent interactions with police.

422. As a direct and proximate result, Plaintiffs have suffered injuries and are at continuous risk of being subjected to additional injuries and harm.

423. Plaintiffs are entitled to declaratory and injunctive relief, and attorneys' fees and costs.

**COUNT 4: Illinois Constitution, art. I § 6 (unreasonable search and seizure)**

(all Plaintiffs v. the City)

424. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

425. The City intentionally encouraged, tolerated, and ratified a policy, practice, and/or custom of the use of excessive force by CPD officers.

426. The actions of the City described herein violate the rights of Plaintiffs to be free from unreasonable searches, seizures, and invasions of privacy as guaranteed by Article I, Section 6 of the Illinois Constitution.

427. The City's actions are the cause and moving force behind the deprivation of the Plaintiffs' rights under the Illinois Constitution.

428. As a direct and proximate result, Plaintiffs have suffered injuries and are at continuous risk of being subjected to additional injuries and harm.

429. Plaintiffs are entitled to declaratory and injunctive relief, and attorneys' fees and costs.

**COUNT 5: Fourteenth Amendment, Section 1983**

(all Plaintiffs v. the City)

430. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

431. The City has implemented and enforced a policy, practice, and/or custom of using excessive or unnecessary force against black and Latino individuals. These excessive or unnecessary uses of force have been targeted at black and Latino individuals because of their race and/or national origin. As a result, Chicago's policies, practices, and customs related to use of force violate the Equal Protection Clause of the Fourteenth Amendment.

432. The City has acted with deliberate indifference to the Fourteenth Amendment rights of Plaintiffs and their members. As a direct and proximate result of the acts and omissions of the Defendants, the Fourteenth Amendment rights of the Plaintiffs and their members have been violated.

**COUNT 6: Illinois Civil Rights Act of 2003, 740 ILCS 23/5**

(all Plaintiffs v. the City)

433. The allegations set forth above are realleged and incorporated by reference as if fully set forth herein.

434. The City is a "local government" subject to the Illinois Civil Rights Act of 2003 ("ICRA"), 740 ILCS 23/5.

435. The City's criteria and methods of administering police services in Chicago have the effect of subjecting individuals to discrimination because of their race, in violation of ICRA. Specifically, the City's criteria and methods of law enforcement and use of force have a discriminatory impact on black and Latino individuals.

436. As a direct and proximate result, Plaintiffs have suffered injuries and are at continuous risk of being subjected to additional injuries and harm.

437. Plaintiffs are entitled to declaratory and injunctive relief, and attorneys' fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs respectfully request the following relief:

A. Enter a declaratory judgment that the City maintains policies and/or customs that violate the federal and state constitutions, the ADA, Section 504 of the Rehabilitation Act, and ICRA.

B. Enter a permanent injunction on behalf of Plaintiffs enjoining the City from continuing their policies, practices, and/or customs of using unlawful force against black and Latino people and individuals with disabilities, and requiring the City to submit a plan detailing how it will modify its policies and train, supervise, and discipline CPD officers to prevent future civil rights violations.

C. Award Plaintiffs their attorneys' fees, costs, and expenses pursuant to 42 U.S.C. §§ 1988 and 12203, and the Illinois Civil Rights Act of 2003, 740 ILCS 23/1 *et seq.*

D. Award Plaintiffs other relief that this Court may deem just and proper.

DATED: November 28, 2017

Respectfully submitted,

COMMUNITIES UNITED; COMMUNITY  
RENEWAL SOCIETY; NEXT STEPS; ONE  
NORTHSIDE; and the ACLU OF ILLINOIS

/s/ Karen Sheley

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