

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

THE CENTRAL AUSTIN)
NEIGHBORHOOD ASSOCIATION and)
THE AMERICAN CIVIL LIBERTIES)
UNION OF ILLINOIS,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF CHICAGO,)
)
Defendant.)

COMPLAINT

Plaintiffs, the Central Austin Neighborhood Association (“CANA”) and the American Civil Liberties Union of Illinois (“ACLU”), on behalf of their respective members, by their attorneys, for their complaint against defendant the City of Chicago allege as follows:

NATURE OF THE ACTION

1. This is a civil rights suit brought pursuant to the Illinois Civil Rights Act of 2003, 740 ILCS 23/5, challenging the City of Chicago’s method of deploying police services in the City of Chicago (or “the City”). This method utilizes criteria that result in a greater frequency of delays in dispatching police officers to respond to 911 calls for service in neighborhoods that are predominantly African American and Hispanic (“minority neighborhoods or districts”¹) than in predominantly white neighborhoods (“white neighborhoods or districts”²). Delays in dispatching officers cause both longer response times and more denials of service to minority neighborhoods as compared to white neighborhoods. Thus, the City’s deployment practices have a

¹ Minority neighborhoods and districts are neighborhoods and districts where African Americans and/or Hispanics comprise the majority of residents.

² White neighborhoods or districts are neighborhoods and districts where whites comprise a majority of residents.

disproportionally adverse effect on people who live in minority neighborhoods, including members of CANA and the ACLU. Despite this well-known, long standing disparity, the City has failed to deploy police officers to minority neighborhoods in a manner which ensures equal 911 services. Plaintiffs seek declaratory and injunctive relief.

2. The Illinois Civil Rights Act of 2003, 740 ILCS 23/5, prohibits local governments such as the City from “utiliz[ing] criteria or methods of administration that have the effect of subjecting [Plaintiffs] to discrimination because of their race, color, [or] national origin[.]”

3. The City violates this law through its method of police deployment.

THE PARTIES

4. CANA is a non-profit, community organization whose members are residents of the Austin neighborhood of Chicago. CANA focuses on improving Austin by promoting public safety, beautification and economic development.

5. The ACLU is a non-profit, non-partisan, statewide organization with more than 20,000 members and supporters, dedicated to protecting and expanding the civil rights and civil liberties enshrined in the United States and Illinois Constitutions. In particular, one of the ACLU’s primary purposes is ensuring that all persons are treated fairly by our government and receive equal services and benefits. The ACLU has members throughout Chicago, including the minority neighborhoods of Austin, Chicago Lawn, Grand Central, and Englewood.

6. The City is responsible for deploying police officers throughout the City. It is a “local government” subject to the Illinois Civil Rights Act of 2003. 740 ILCS 23/5.

FACTS

A. Historical Disparities in Police 911 Services

7. For over two decades, the City has deployed police across the City's districts in a manner that provides fewer resources to minority neighborhoods than white neighborhoods as measured by responsiveness to 911 calls.

8. For example, in 1992, a report by the consulting firm Booz, Allen, Hamilton, hired by the City to conduct a study of Chicago Police Department (the "CPD") operations, including officer deployment, concluded that the CPD did not deploy officers to districts in proportion to 911 calls and crime rates. As a result, the report found that officers in busier districts took longer to respond to both emergency and non-emergency calls for service. The districts with higher crime, proportionately fewer officers and longer response times were minority districts.

9. A 1992 study by University of Illinois, authored by professors Barry Rundquist and Jungho Rhee, showed that African-American districts had fewer patrols per 1,000 violent crimes than white districts.

10. In 1993, the Chicago Reporter published an article showing that police officers had to respond to more crimes and more 911 calls in African-American districts as compared to officers assigned to white police districts.

11. In 1993, the Illinois Advisory Committee to the U.S. Commission on Civil Rights produced a report showing that neither the number of a district's 911 calls nor the number of violent crimes in that district were related to a significant degree to the number of police officers the CPD allocated to the district. As a result, African-American districts, which tended to have more violent crimes, suffered because the CPD assigned them fewer police resources than white

districts. African-American districts were assigned fewer police officers per 1,000 violent crimes than white districts.

B. Current Police Deployment Results in Disparate Delays and Denials of 911 Services

12. The Office of Emergency Management and Communications (“OEMC”) answers 911 calls and dispatches emergency personnel, including Chicago police officers, to respond to calls.

13. When a 911 call requires police response, beat officers are the first officers dispatched to respond to the call for service.

14. When a district receives a high number of 911 calls, OEMC dispatchers cannot dispatch or assign a call if no officers in the district are available.

15. OEMC dispatchers are authorized only to dispatch officers in response to a call from the police district where that call originates.

16. When there are no officers available to dispatch to a 911 call, the district is in a “radio assignments pending” situation, or “RAP.”

17. While a district is in RAP, OEMC dispatchers continue to answer 911 calls from that district, but dispatching officers in response to these incoming calls, no matter their nature, is delayed. A district remains in RAP until officers are dispatched to all of the backlogged 911 calls.

911 Calls and Delayed Responses

18. The City has refused to provide information in response to the ACLU’s Freedom of Information Act (“FOIA”) requests for information about police deployment, including the redeployment of officers to beat duty under the current administration (“redeployment”), and 911 responses, including RAPs, for all of the City’s twenty-five police districts.

19. However, responsible media have published relevant information obtained from sources.

20. Two districts, Town Hall and Chicago Lawn, were featured in a Chicago Sun-Times article on police response to 911 calls for service. See Frank Main and Fran Spielman, “Fewer Cops on North Side?” Chicago Sun-Times (Nov. 22, 2010).

21. District 23, Town Hall, which includes parts of the neighborhoods of Lincoln Park and East Lakeview in northeastern Chicago, is a white district.

22. District 8, Chicago Lawn, which is on the southwest side of Chicago, near Midway Airport, is a minority district.

23. According to an unnamed source cited in the article, between January 2009 and October 2010, residents in Town Hall called 911 for service 64,000 times and residents in Chicago Lawn called 911 for service 130,000 times. Frank Main and Fran Spielman, “Fewer Cops on North Side?” Chicago Sun-Times (Nov. 22, 2010).

24. According to the article, Town Hall went into RAP 17 times while Chicago Lawn went into RAP 885 times during that same time period. Therefore, Chicago Lawn residents calling 911 faced a situation where there were no police cars to respond to their aid at least 52 times more often than residents of Town Hall.

25. According to the Chicago Sun-Times article, other minority districts, such as South Chicago (District 4), Englewood (District 7), Harrison (District 11), and Grand Central (District 25), had a higher number of 911 calls and RAPs than white districts.

26. The white districts of Jefferson Park (District 16) and Foster (District 20) had a lower number of 911 calls and RAP situations as compared to the minority districts.

27. The delays in dispatching police to 911 calls in minority districts continue to the present based on current data showing higher numbers of 911 calls, higher incidents of serious violent crime, and proportionately lower numbers of police officers in minority districts as compared to white districts. Furthermore, the City refuses to provide any data to show that it has corrected the inequity.

Data on 911 Calls

28. As recognized by the historical reports referenced in paragraphs 7 through 11 and the data in paragraphs 20 through 26, the number of RAPs is directly related to the number of 911 calls.

29. In response to a FOIA request by the ACLU, the OEMC provided data showing the total number of 911 calls by district for April 2010 through March 2011. While the OEMC refused to provide data on Priority 1 calls for all districts, it did so for six districts. These Priority 1 calls involve an immediate threat to a person's life or property.

30. The data for the districts are attached to and incorporated in this complaint as Exhibit 1.

31. According to this data, minority districts continue to have the highest number of 911 calls. For example, the following districts, which also were identified as having a large number of RAPs, had more 911 calls than white districts:

- a. Chicago Lawn had 357,360 calls (59,473 Priority 1).
- b. South Chicago had 279,646 calls.
- c. Englewood had 325,185 calls (65,272 Priority 1).
- d. Harrison had 302,530 calls.
- e. Grand Central had 349,466 calls (48,444 Priority 1).

32. In contrast, the white districts identified as having a low number of RAPs continued to have fewer 911 calls per district:
- a. Town Hall had 153,627 calls (18,125 Priority 1).
 - b. Jefferson Park had 191,462 calls.
 - c. Foster had 147,672 calls.
33. Minority districts continue to have higher numbers of 911 calls as compared to white districts.
34. The recent redeployment of police officers does not equalize the number of police officers proportional to the number of 911 calls per district.
35. A recent article cited an anonymous police source for the total number of police officers deployed to each district after the redeployment. *See* Dan Mihalopoulos and Hunter Clauss, "In High-Crime Areas, Still Too Few Police," Chicago News Cooperative (Oct. 21, 2011).
36. The data for every district, including data on rates of crime, are attached to and incorporated in this complaint as Exhibit 2.
37. A comparison of the data on the number of 911 calls provided by the OEMC with the number of officers per district published by the Chicago News Cooperative shows a vast disparity between districts in the number of 911 calls per officer.
38. Minority districts are the districts with the most 911 calls per officer. The following districts are examples:
- a. The minority district of Chicago Lawn has 995 calls per beat officer.
 - b. The minority district of Grand Central has 1,106 calls per beat officer.
 - c. In contrast, the white district of Near North has 752 calls per beat officer.

d. The white district of Foster has 753 calls per beat officer.

39. Based on the data provided by the OEMC, minority districts also have more Priority 1 calls per beat officer.

a. The minority district of Austin had 131 Priority 1 calls per beat officer.

b. The minority district of Englewood had 169 Priority 1 calls per beat officer.

c. The minority district of Chicago Lawn had 166 Priority 1 calls per beat officer.

d. The minority district of Grand Central had 153 Priority 1 calls per beat officer.

e. In contrast, the white district of Town Hall had 95 Priority 1 calls per beat officer.

40. Because there are more 911 calls per beat officer in minority districts, there continue to be more delays in dispatching police officers in response to 911 calls in those districts than in white districts.

C. Data on Crime

41. As recognized by the historical reports referenced in paragraphs 7 through 11 and the data in paragraphs 20 through 26, the rate of crime in a district is directly related to the number of 911 calls and delays in responses to 911 calls.

42. The CPD tracks index and non-index crimes in the districts. Index crimes are the most serious crimes and include murder, criminal sexual assault, robbery, aggravated assault, aggravated battery, burglary, larceny/theft, motor vehicle theft, and arson.

43. Non-index crimes include simple assault, simple battery, forgery, counterfeiting, fraud, embezzlement, stolen property offenses, vandalism, weapons charges, prostitution, sexual offense and criminal sexual abuse, drug violations, gambling, offenses against the family, liquor violations, and disorderly conduct.

44. The minority districts, which had a higher number of 911 calls and RAPs, also suffered from higher numbers of crimes in 2010 than the other predominantly white districts which had fewer 911 calls and RAPs. The following minority districts are examples:

- a. Chicago Lawn had 10,814 index crimes and 15,382 total non-index crimes.
- b. South Chicago had 8,442 total index crimes and 12,531 non-index crimes.
- c. Englewood had 8,490 index crimes and 13,952 non-index crimes.
- d. Harrison had 6,732 index crimes and 15,441 non-index crimes.
- e. Grand Central had 9,600 index crimes and 13,135 non-index crimes.

45. The white districts, which had fewer 911 calls and RAPs, also had fewer crimes in 2010 than the minority districts. The following white districts are examples:

- a. Town Hall had 3,326 total index crimes and 3,743 non-index crimes.
- b. Jefferson Park had 4,452 index crimes and 7,274 non-index crimes.
- c. Foster had 2,473 index crimes and 3,552 non-index crimes.

46. Although the City has refused to make the RAP data for the Austin District available, it is a minority district and had a high number of crimes in 2010: 4,482 total index crimes and 12,052 non-index crimes.

47. According to data published with the recent article by The Chicago News Cooperative referred to in paragraph 35 above, the redeployment of patrol officers does not equalize the distribution of officers proportional to the rate of violent crime in districts and, in many minority districts, particularly on the South and West sides of Chicago, there were fewer officers per incidents of crime and higher rates of crime compared to white districts on the North side of Chicago.

48. These disparities hold true for the same districts that were the subject of the Chicago Sun-Times article on disparities in responses to 911 calls.

49. The minority districts of Chicago Lawn, South Chicago, Englewood, Harrison, and Grand Central, all of which have a high incidence of RAPs, also have a higher number of violent crimes per beat officer than the city average of 2.76.

- a. Chicago Lawn (District 8) has 3.61 violent crimes per beat officer.
- b. South Chicago (District 4) has 4.05 violent crimes per beat officer.
- c. Englewood (District 7) has 3.97 violent crimes per beat officer.
- d. Harrison (District 11) has 4.03 violent crimes per beat officer.
- e. Grand Central (District 25) has 3.60 violent crimes per beat officer.

50. Austin, a minority district, also has a higher than average incidence of violent crimes per beat officer: 3.07.

51. In comparison, the white districts of Town Hall, Jefferson Park, and Foster, all of which have a low incidence of RAP, have lower numbers of violent crime per beat officer, as compared to the City average of 2.76.

- a. Town Hall (District 23) has 1.63 violent crimes per beat officer.
- b. Jefferson Park (District 16) has 1.39 violent crimes per beat officer.
- c. Foster (District 20) has 1.33 violent crimes per beat officer.

52. Redeployment has not ameliorated the disparity between minority and white districts in the proportion of officers assigned to the districts as measured by the number of violent crimes.

D. The City's Liability for Inequitable 911 Services

53. As a direct and proximate result of the City's current method of deploying police, there are longer response times to 911 calls for service and more denials of service in minority neighborhoods, in comparison to responses in white neighborhoods.

54. Until the City is enjoined from deploying officers based on its current method, the plaintiffs will continue to be harmed by receiving a lower level of police responsiveness than residents of white districts.

CLAIM FOR RELIEF UNDER THE ILLINOIS CIVIL RIGHTS ACT OF 2003

55. For Paragraph 55, Plaintiffs incorporate the allegations set forth in paragraphs 1 through 54 as if fully set forth herein.

56. The City's method for police deployment, alleged in paragraphs 1 through 55, violates the Illinois Civil Rights Act of 2003 by "utiliz[ing] criteria or methods of administration that have the effect of subjecting [Plaintiffs] to discrimination because of their race, color, [or] national origin[.]"

57. Under the Illinois Civil Rights Act of 2003, the court has authority to "grant as relief any permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order." 740 ILCS 23/5.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request the following relief:

- A. A declaratory judgment that the City's method of deploying police officers violates the Illinois Civil Rights Act.

- B. A permanent injunction enjoining the City from employing its present method of deploying police officers and requiring the City to submit a plan detailing how it will deploy police officers in a manner which will provide equal services in response to 911 calls to minority neighborhoods.
- C. Award Plaintiffs their attorneys' fees, costs and expenses in prosecuting this action.
- D. Award Plaintiffs any other appropriate relief.

October 27, 2011

Respectfully submitted,

THE CENTRAL AUSTIN NEIGHBORHOOD
ASSOCIATION and AMERICAN CIVIL
LIBERTIES UNION OF ILLINOIS

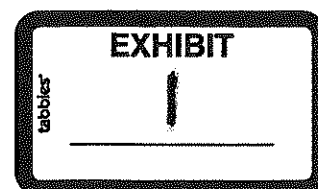
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Data from OEMC Response to ACLU FOIA Request

No.	District	Total 911 calls 4/2010 - 3/2011	Total Priority 1 calls 4/2010 - 3/2011
1	Central	252,030.00	
2	Wentworth	180,338.00	
3	Grand Crossing	288,144.00	
4	South Chicago	279,646.00	
5	Calumet	222,999.00	
6	Gresham	283,507.00	
7	Englewood	325,185.00	65,242.00
8	Chicago Lawn	357,360.00	59,473.00
9	Deering	283,462.00	
10	Ogden	268,173.00	
11	Harrison	302,530.00	
12	Monroe	253,088.00	
13	Wood	152,838.00	
14	Shakespeare	223,265.00	
15	Austin	210,203.00	37,003.00
16	Jefferson Park	191,462.00	
17	Albany Park	195,232.00	
18	Near North	273,831.00	26,613.00
19	Belmont	152,172.00	
20	Lincoln/Foster	147,672.00	
21	Prairie	184,461.00	
22	Morgan Park	189,013.00	
23	Town Hall	153,627.00	18,125.00
24	Rogers Park	200,937.00	
25	Grand Central	349,466.00	48,444.00



Number of Police Officers, Violent Crimes and Property Crimes, by Police District

1st District

Police Officers	296
Violent Crimes (Jan.-Aug. 2011)	313
Violent Crimes Per Officer	1.06
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	3,759
Property Crimes Per Officer	12.70
Citywide Average	11.34

2nd District

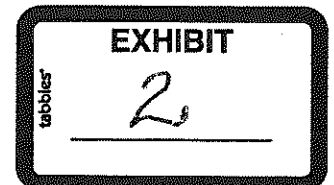
Police Officers	265
Violent Crimes (Jan.-Aug. 2011)	394
Violent Crimes Per Officer	1.91
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	1,911
Property Crimes Per Officer	9.28
Citywide Average	11.34

3rd District

Police Officers	320
Violent Crimes (Jan.-Aug. 2011)	1,278
Violent Crimes Per Officer	3.99
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	3,562
Property Crimes Per Officer	11.13
Citywide Average	11.34

4th District

Police Officers	338
Violent Crimes (Jan.-Aug. 2011)	1,368
Violent Crimes Per Officer	4.05
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	4,4667
Property Crimes Per Officer	13.22
Citywide Average	11.34



5th District

Police Officers	266
Violent Crimes (Jan.-Aug. 2011)	1,049
Violent Crimes Per Officer	3.94
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,959
Property Crimes Per Officer	11.12
Citywide Average	11.34

6th District

Police Officers	345
Violent Crimes (Jan.-Aug. 2011)	1,387
Violent Crimes Per Officer	4.02
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	4,102
Property Crimes Per Officer	11.89
Citywide Average	11.34

7th District

Police Officers	386
Violent Crimes (Jan.-Aug. 2011)	1,531
Violent Crimes Per Officer	3.97
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	3,722
Property Crimes Per Officer	9.64
Citywide Average	2.76

8th District

Police Officers	359
Violent Crimes (Jan.-Aug. 2011)	1,295
Violent Crimes Per Officer	3.61
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	5,803
Property Crimes Per Officer	16.16
Citywide Average	11.34

9th District

Police Officers	325
Violent Crimes (Jan.-Aug. 2011)	990
Violent Crimes Per Officer	3.05
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	3,564
Property Crimes Per Officer	10.97
Citywide Average	11.34

10th District

Police Officers	305
Violent Crimes (Jan.-Aug. 2011)	984
Violent Crimes Per Officer	3.23
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,701
Property Crimes Per Officer	8.86
Citywide Average	11.34

11th District

Police Officers	361
Violent Crimes (Jan.-Aug. 2011)	1,454
Violent Crimes Per Officer	4.03
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	3,009
Property Crimes Per Officer	8.34
Citywide Average	11.34

12th District

Police Officers	270
Violent Crimes (Jan.-Aug. 2011)	341
Violent Crimes Per Officer	1.26
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,347
Property Crimes Per Officer	8.69
Citywide Average	11.34

13th District

Police Officers	192
Violent Crimes (Jan.-Aug. 2011)	362
Violent Crimes Per Officer	1.89
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,393
Property Crimes Per Officer	12.46
Citywide Average	11.34

14th District

Police Officers	233
Violent Crimes (Jan.-Aug. 2011)	592
Violent Crimes Per Officer	2.54
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	4,116
Property Crimes Per Officer	17.67
Citywide Average	11.34

15th District

Police Officers	283
Violent Crimes (Jan.-Aug. 2011)	869
Violent Crimes Per Officer	3.07
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	1,986
Property Crimes Per Officer	7.02
Citywide Average	11.34

16th District

Police Officers	202
Violent Crimes (Jan.-Aug. 2011)	281
Violent Crimes Per Officer	1.39
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,663
Property Crimes Per Officer	13.18
Citywide Average	11.34

17th District

Police Officers	202
Violent Crimes (Jan.-Aug. 2011)	422
Violent Crimes Per Officer	2.09
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,698
Property Crimes Per Officer	13.36
Citywide Average	11.34

18th District

Police Officers	364
Violent Crimes (Jan.-Aug. 2011)	491
Violent Crimes Per Officer	1.35
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	4,879
Property Crimes Per Officer	13.40
Citywide Average	11.34

19th District

Police Officers	217
Violent Crimes (Jan.-Aug. 2011)	230
Violent Crimes Per Officer	1.06
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,984
Property Crimes Per Officer	13.75
Citywide Average	11.34

20th District

Police Officers	196
Violent Crimes (Jan.-Aug. 2011)	261
Violent Crimes Per Officer	1.33
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	1,390
Property Crimes Per Officer	7.09
Citywide Average	11.34

21st District

Police Officers	206
Violent Crimes (Jan.-Aug. 2011)	394
Violent Crimes Per Officer	1.91
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	1,911
Property Crimes Per Officer	9.28
Citywide Average	11.34

22nd District

Police Officers	223
Violent Crimes (Jan.-Aug. 2011)	579
Violent Crimes Per Officer	2.60
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,600
Property Crimes Per Officer	11.66
Citywide Average	11.34

23rd District

Police Officers	191
Violent Crimes (Jan.-Aug. 2011)	311
Violent Crimes Per Officer	1.63
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	1,879
Property Crimes Per Officer	9.84
Citywide Average	11.34

24th District

Police Officers	261
Violent Crimes (Jan.-Aug. 2011)	544
Violent Crimes Per Officer	2.08
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	2,391
Property Crimes Per Officer	9.16
Citywide Average	11.34

25th District

Police Officers	316
Violent Crimes (Jan.-Aug. 2011)	1,137
Violent Crimes Per Officer	3.60
Citywide Average	2.76
Property Crimes (Jan-Aug. 2011)	4,784
Property Crimes Per Officer	15.14
Citywide Average	11.34

Source: <http://www.chicagonewscoop.org/chicago-police-staffing-crime-rates-by-district/>

Viewed 10-24-11