

2014 Annual Report

Roger Baldwin Foundation
of the
ACLU of Illinois



Letter from the Executive Director

Dear ACLU Supporters:

In a couple of thousand words, this report attempts to capture some of the remarkable ACLU accomplishments in Illinois during 2014. But there are not enough words to capture the magnitude of the impact that you have helped us make possible during this year.

Indeed, I wish we could highlight the real heroes of the past year –

- The more than 100,000 clients whose lives we have improved or are improving;
- The thousands of activists and financial supporters across the State who have rallied to invest in our work;
- The dozens of cooperating counsel and other volunteers who give tirelessly of their time and talent to expand the effectiveness of our work;
- Our committed and energetic Board of Directors, led by the incomparable President Jill Metz, who help guide and shape our work and always support and inspire that work on behalf of our clients; and,
- An exceptional staff with hundreds of years of experience and expertise advancing civil liberties victories.

Together, we are fighting to make Illinois a better place. But we know that this could not happen without your involvement and your support.

This report reflects only a snap shot of our work, and our victories, for a single year. But we know that protecting rights means keeping our eyes on the challenges ahead. So, even as we enjoy this success, we are preparing for the new, unforeseen fights ahead. We know that you will be with us when those challenges arise. And, for that, we thank you.

Sincerely,

A handwritten signature in cursive script that reads "Colleen".

Colleen K. Connell
Executive Director

Advancing Rights for the LGBT Community

The LGBT community saw great advances in 2014, advances led by the ACLU of Illinois. Today, thousands of gay and lesbian couples and their families across the State of Illinois enjoy the dignity of having their love and commitment respected as marriage in Illinois.

The ACLU of Illinois worked tirelessly to pass the marriage bill in the Illinois General Assembly, but we didn't stop there. . .

In January, the ACLU went to federal court and won a victory for gay and lesbian couples to get immediate access to marriage licenses if one of the partners was suffering a grave illness. These couples could not wait for marriage law approved in November to kick in on June 1, 2014.

In February, the ACLU returned to federal court where a judge issued a sweeping decision allowing gay and lesbian couples to begin marrying that day in Cook County, and other counties soon followed.

In June, the new law was implemented statewide, leading to thousands of happy couples and their families being able to enjoy the dignity and protections of marriage.

Also this year, we worked tirelessly to lessen discrimination against transgender persons in our state, particularly in our public schools. We hosted discussions (with representatives of the Illinois State Board of Education present) to talk about issues that transgender youth face in our state, from problems with being called by the appropriate gender to access to bathrooms and locker rooms. And, we continued to work on behalf of individual youths to improve conditions in their schools and communities.

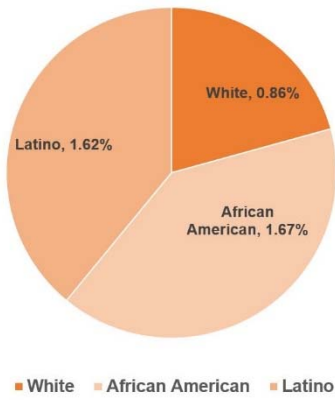
Late this year, we saw the State of Illinois approve new guidelines that ensure that transgender individuals have access to health care in our state.

Working to make policing color-blind

In 2014, the ACLU of Illinois continued our historic work to ensure that law enforcement in our state acts in a fair and equitable way, rather than targeting people of color for more police stops, searches and arrests.

Once again, we called attention to the misuse of police discretion which subjects more drivers of color to so-called "consent searches" after a routine traffic stop -- even though these searches were far more likely to yield contraband when white motorists are searched.

2013 Consent Search Rates



Our lawsuit against the City of Chicago – challenging the unfair and inequitable manner in which police are deployed – won a significant victory in appellate court, propelling the issue forward. Our data shows that residents in communities of color wait up to 13 minutes to have a police car dispatched after an emergency 9-1-1 call, while residents in white districts wait approximately 2 minutes.

Our work on the use of stop-and-frisk tactics by the Chicago police is beginning to take hold – with more residents coming forward to report the use of these harsh practices against youth of color. We are pressuring the City of Chicago to better track and record the use of this tactic.

Advancing civil liberties in the Illinois legislature

The ACLU's tenacity won significant civil liberties victories in 2014.

The ACLU of Illinois secured legislation that requires law enforcement to collect and report data about the race of every motorist in a traffic stop for another four years. This data is invaluable in our advocacy fighting racial profiling. As noted elsewhere in this report, for example, we know that African American and Latino motorists are far more likely to be stopped each year, and far less likely to be found with contraband in a consent search by police.

We advanced a strong measure that enhances workplace fairness, writing and winning passage of a measure that compels employers to make modest accommodations for women who are pregnant. These accommodations include things like having access to water and more frequent bathroom breaks.

The ACLU of Illinois pushed passage of a comprehensive sexual health education, a measure insuring that the sex ed in Illinois will be scientifically-based, not biased by ideology and religion.

And, we won a huge victory for Illinois students by passing a much-improved anti-bullying measure as part of the state school code. School ought to be a place for learning and development, not fear and violence.

Helping People with Disabilities Be at Home

Our work to fix Illinois' dysfunctional, antiquated system for caring for persons with disabilities is seeing significant success. For years, Illinois has channeled people with mental illness, developmental disabilities and physical disabilities into large, impersonal nursing homes – places where their every movement was controlled and managed.

Evidence shows that people with disabilities flourish and grow when their independence is encouraged, facilitating the development of life skills. Our litigation is changing the Illinois system.

In 2014, we reached a milestone, having moved 1,000 people with mental illness out of large institutions and into their own residences. These moves are not only good for these individuals – who get assistance to monitor their medications and safety – but also saves the State of Illinois money.

We also helped more than 700 people with developmental disabilities, who had once been confined to large institutions, move into community settings. Another 2,000 families caring for a person with developmental disabilities in their home, are now receiving services that make life better for the individual and their family – meaning that these 2,000 individuals will not end up in a large nursing home.

Protecting Access to Reproductive Health Care

The work of our Reproductive Rights Project over the past three-plus decades has protected the rights of women in Illinois to broad access to a full range of reproductive health care services, including access to abortion. As a result of ACLU advocacy, women in Illinois face far fewer restrictions in their reproductive choices than do women in neighboring states.

In 2014, we helped hundreds of teens navigate the requirements of the Parental Notice of Abortion Act, a law that we had kept from being enforced for more than three decades. With a dedicated staff and devoted volunteer lawyers, we have been able to insure that these young women – the most vulnerable of young women – comply with the law, including providing lawyers for young women who go to court to secure a judicial waiver of the parental notice requirement.

We fought legislative and regulatory efforts to impose medically-unnecessary regulations on abortion clinics in Illinois, regulations that would have forced most clinics that perform abortions to become the equivalent of a small hospital.

The ACLU is working with regulators in Illinois to ensure privacy and security in rules governing electronic health records. For obvious reasons, this is a high priority for women who wish to maintain privacy with respect to their reproductive health care history. A dentist, for example, does not need access to information about a woman having an abortion when she was in college.

Our Reproductive Rights Project is helping ACLU advocates in other states – notably Ohio – to challenge restrictions on abortion clinics in their states.

We supported an advisory ballot measure in the November general election that supports the availability of prescription medications through employee health care plans, if other prescriptions are covered.

Combatting mass incarceration

The ACLU of Illinois is part of a nationwide movement engaged in fighting against mass incarceration. In 2014, we actively advocated in the legislature for changes in Illinois sentencing policies that could reduce our state's over-reliance on incarceration. We proposed, for example, raising the monetary threshold for some property crimes, exposing fewer individuals to prison sentences for such crimes. And, we are pushing hard to change Illinois' outdated marijuana laws, which in the estimate of a National ACLU report costs Illinois up to \$250 million each year to administer. It is time to reduce penalties for simple possession of marijuana and other drugs.

We also are working to improve conditions for those already incarcerated. This year we joined litigation that challenges the quality of health care provided to persons held in Illinois prisons. In one instance we learned of an inmate denied health care after complaining of a headache, which was later diagnosed as a brain tumor.

The ACLU of Illinois also is working to modernize and improve conditions at the state's juvenile justice detention centers. We have reached an historic agreement with the State to improve education, health care and physical conditions at these centers, to bring them up to constitutionally-required standards. In the end, the State may need to reduce the number of youth detained in these centers in order to insure that adequate care can be provided.

Finally, we are continuing our work at the Cook County Juvenile Temporary Detention Center, one of the nation's largest juvenile detention facilities. We continue to work with all involved parties as part of the process to move control of the facility from a court-ordered Transitional Administrator to the Chief Judge of Cook County. While some problems still remain to be resolved, the facility has been greatly improved during the past few years of our litigation.

Fighting for basic civil liberties

2014 was another year of challenges to basic civil liberties in Illinois and beyond. We jumped into a critical free speech case in the Central Illinois community of Peoria after our client, Jon Daniel, was arrested, had his home searched, and had his electronics (including a smartphone and laptop computer) seized, simply because Mr. Daniel had made several posts on Twitter as part of a parody account of the Mayor of Peoria.

We have sued the City of Peoria, Mayor Jim Ardis, and several other City officials involved in the manhunt, which was designed to discover not someone who was engaged in violence with a weapon, but *parody* with a *smartphone*. Our case is pending in federal court.

In another matter, the ACLU of Illinois continues to challenge the policies of the Chicago Housing Authority, which forces CHA residents living in mixed-income buildings to undergo invasive and embarrassing drugs tests in order to keep a roof over their heads.

We represent Joseph Peery, a former Cabrini Green resident who not only has never failed a drug test, but also has served as an anti-drug counselor, encouraging others not to get involved in using illegal narcotics. In October, a federal court judge ruled against the ACLU's effort to win a summary judgment motion in this case, but we are appealing that ruling.

Privacy in an age of digital technology

In the past year, we confronted a number of challenges related to maintaining basic privacy in an era of emerging technology – and increased government intrusion.

The ACLU of Illinois is working close with our National office to reduce the collection of massive amounts of bulk data (records of telephone calls and text messages, for example) by the federal government, especially the National Security Agency. We have urged members of the Illinois Congressional delegation to support the USA Freedom Act, aimed at reining in data gathering about innocent Americans. And, we are working with ACLU colleagues in Washington, DC to help ensure that the internet remains free and open (net neutrality) for all Americans.

In the Illinois legislature, we secured a good deal of progress on privacy issues. On January 1, 2014, an ACLU measure went into effect requiring law enforcement (in most instances) to get a warrant before using drone technology. This year, we extended those regulations to any private drones used by law enforcement.

And, also this year, we secured legislative approval of a measure that requires law enforcement to get a warrant before accessing most of the location tracking data in our smartphones.

We also are working with regulators in Illinois to ensure that the advent of electronic health records is accompanied by privacy and security rules that protect these sensitive, intimate records.

And, we are working with legislators to make certain that we apply appropriate privacy guidelines to the proposed expanded use of body cameras by police officers. This small, mobile technology must be viewed as a tool for oversight and accountability of police, not further surveillance of the public.

Looking ahead

2014 was a great year! But there is much, much more to do. In 2015 we will:

- **Challenge religious refusals** – the imposition of individual beliefs to deny services and health care to others who may or may not share those religious beliefs – across Illinois. We will be especially vigilant for the denial of services related to gay and lesbian weddings, as we have seen in other states. And, we are building public support to fix a flawed Illinois law that allows doctors, nurses and other health care providers to deny health care based on the providers' religious views. **Illinois law must put patients first.**
- **Work to reduce mass incarceration in Illinois, including working to restore sanity to marijuana policy in Illinois.** A national ACLU study revealed that under current policies, Illinois will spend \$250 million next year to enforce marijuana laws, even as other states are moving toward legalization. It is time to fix these laws.
- **Fix the unsanitary and dangerous conditions for the youth held within the Illinois Department of Juvenile Justice.** For decades, groups have complained about conditions in these facilities, writing reports and issuing press releases. The ACLU of Illinois went to court and won a consent decree that will result in real, meaningful change. We will continue to enforce these changes.
- **Educate the public and legislators about the need to adjust Illinois law to recognize the right of people to make a whole series of choices at the end of life, including the ability to choose death with dignity.** The recent case of Brittany Maynard – who had to move her family to Oregon to avail herself of that state's law – makes clear that we must work to establish this policy in Illinois.
- **Confront dangerous anti-crime housing ordinances**, now in place in more than 100 communities across Illinois, which adversely impact women who are the victims of domestic violence. These ordinances require landlords to evict anyone living in a home or apartment where the police have been called for suspicion of criminal activity, sometimes after only a few emergency calls. We have been working with women who have faced eviction after calling the police when an abusive boyfriend or spouse repeatedly violated a protection order and appeared at their homes. We must change these laws to protect the victims of crime.

Support our work by visiting bit.ly/ACLU2014