

2015 Annual Report



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Dear ACLU Friends and Supporters:

We have had an incredibly productive year at the ACLU of Illinois! The ACLU has won significant victories for our clients, and our herculean efforts kept new harms from being visited upon the most vulnerable in our state. We also secured ground-breaking agreements that will protect Illinois residents for years to come.

The ACLU has seen significant transitions in 2015 as well. Long-time legal director Harvey Grossman is stepping down, leaving a profound legacy in advancing justice and fairness. It is perhaps fitting that after decades of working for racial justice, one of Harvey's last achievements as legal director was finalizing a landmark agreement with the City of Chicago to address the use of stop-and-frisk on the City's streets. We will miss Harvey and thank him for his hard work over so many years.



Our work has taken on increased urgency in the wake of the state's financial problems. After the Governor vetoed the state budget, the ACLU repeatedly returned to federal court to force the state to continue to pay for the essential services promised in a series of federal consent decrees involving people with disabilities, children under the care of DCFS and youth in state-operated detention centers. As I write this, the state still does not have a budget and we remain vigilant to protect our clients.

It was heartening to learn this year that our work is recognized far and wide. Just recently, Chicago Magazine recognized us as one of the area's best charities, pointing out not just the breadth and expertise of our efforts but also the efficiency with which we use our resources.

Thank you for your on-going support. We hope you share our pride in the accomplishments of this past year.

A handwritten signature in black ink that reads "Colleen". The script is fluid and cursive, with a large, stylized "C" at the beginning.

Colleen K. Connell
Executive Director

Bringing an End to Stop and Frisk

Imagine just walking down the street, on your way to the store, to the dry cleaners or to visit a friend. Suddenly, you are approached by police, who surround you, ask your name, push you up against a wall and search you – going through your pockets and perhaps even putting their hands inside your clothing.



This is not a dystopian nightmare of some security state – it is the reality of life on Chicago streets for youth on the South and West sides in the City.

The ACLU is committed to fighting back and making certain that the practice of stop and frisk is utilized in a constitutional way that does not drive a further divide between the police and the communities they serve.

In March 2014, the ACLU of Illinois issued an [eye-opening report](#) that revealed the breadth and discriminatory edge of stop and

frisk policies in the City. The report revealed, among other things, that during the summer months of 2013, Chicago Police Department (CPD) conducted stops of more than 250,000 residents – with not a single one of those stops resulting in an arrest. Many of these stops were conducted on the same individual repeatedly.

The data released by the ACLU also finds that police were far more likely to stop African Americans than other residents of Chicago. Although African Americans represent less than one-third of the City's population, they comprised more than three-quarters of those stopped by police. The discriminatory stops of African Americans were even worse in predominantly white neighborhoods.

The report threatened ACLU litigation, created an opportunity for negotiations with the City of Chicago to reform the discriminatory police practice of stopping pedestrians on city streets. Those productive discussions led in August 2015 to a [landmark agreement between the City and the ACLU](#), designed to provide more transparency and more oversight.

The keystone of the agreement is the appointment of an independent consultant, former federal magistrate judge Arlander Keys, to review the policies and practices used by Chicago police and the impact of those policies and practices. Judge Keys has access to all data around pedestrian stops, including not just the numbers of stops but a written narrative of the reasons for the stop, required to be provided after each stop to determine if the stop was lawful. Based on this review, Judge Keys and consultants he has retained will be able to make corrective recommendations to the City to improve CPD's practices.

Resisting Discrimination Based on Religion

Progress is always met with increased resistance from forces committed to fighting change. That reality has been on display across the United States in the past few years as forces aligned against advances for women and LGBT people have invoked claims of “religious liberty” to defend their opposition to particular developments. The ACLU of Illinois, while committed to defending religious liberty, is fighting these false claims, which mask the real goal of using religion as a justification to discriminate.

This disingenuous campaign was seen most clearly this year when a Kentucky County Clerk refused to authorize gay and lesbian couples for marriage licenses even after the Supreme Court of the United States recognized that governmental bans on same-sex marriage were unconstitutional.

The ACLU of Illinois scored a huge victory in this area in September, when our clients, Todd and Mark Wathen, won a [landmark ruling from the Illinois Human Rights Commission](#). Back in 2011, just after civil unions were approved in Illinois, Todd and Mark were looking for a location near their home in Mattoon to host their civil union ceremony – what they considered to be their wedding. They reached out to Timbercreek Bed and Breakfast in Paxton, Illinois, only to be rebuffed with biblical quotes and a rejection of their love. We are proud to have won this victory for the Wathens.



Mark and Todd Wathen

We also see religious discrimination in health care. Under the Illinois Health Care Right of Conscience Act, doctors, nurses and health care providers not only are able to deny basic care to patients – based on the providers’ religious beliefs – but also deny basic information that would assist the patients to make the best health care decision for themselves and their families.

This year, the ACLU led an effort to amend the Health Care Right of Conscience Act in Illinois. We were so proud to stand with [Mindy Swank](#) when she told Illinois legislators about her harrowing experience, where health care providers left her bleeding and risking infection rather than terminate a pregnancy that was not going to term. And we are proud to stand with Angela Valavanis, who left her doctor of many years after being refused a tubal ligation and other forms of birth control – all because her doctor had sold her practice to a Catholic health care provider.

The bill that we drafted, [House Bill 1564](#), cleared the Illinois Senate on a bipartisan vote and remains poised for passage in the Illinois House. But this is just the beginning. We will need to ensure that we are alert for other examples where individuals and institutions attempt to use religion to discriminate.

Fighting for Transgender Rights

One reality for the ACLU is that our work is never done. Each victory almost always reveals new challenges. As we celebrated the victory nationally of the freedom to marry this year, we have redoubled our efforts to protect people who are transgender from discrimination and harm.

The ACLU of Illinois saw two big victories in this area during 2015.

In August, the City of Chicago responded to prodding from the ACLU by [changing its policy regarding medical coverage for employees](#) who are transgender. Under the policy change, coverage of male-to-female or female-to-male surgical procedures would be standard for city employees and their dependents covered by city health care plans. The city is in the process of finalizing the specific criteria regarding coverage.

The change, which came after the ACLU advocated to the City on behalf of an employee denied coverage, made Chicago the largest city in America to provide this critical and medically-necessary coverage.



The District 211 School Board listens to comments from a transgender student at a December board meeting

We saw another critical victory when the U.S. Department of Education, Office of Civil Rights (OCR), [ruled in favor](#) of a female suburban high school student who is transgender after she was denied access to an appropriate locker room for gym class and the sports team on which she participates.

The decision by the OCR is a critical step forward for students who are transgender. Experts, medical and therapeutic, report that the transition of young people is aided significantly when their core identity is recognized and acknowledged. That cannot happen when these students are singled out and separated from other students. Indeed, this sort of

separation only encourages the sort of violence and harassment that is faced by far too many students who are transgender.

In response to the OCR decision, the school district – Township District 211 – launched a very cynical, corrosive public relations campaign, sowing fear in their community by talking about students disrobing – even though the OCR found that students do not disrobe in the locker room. Fortunately, editorials in the Chicago Tribune and the Washington Post, saw through these tactics and supported the OCR's decision.

The OCR and the District now have reached a settlement that is being implemented.

This public discourse underscores an important reason for our advocacy in this area – even in the sensitive area of bathroom access. Only by raising and discussing these issues that can we advance public understanding about what it means to be transgender and the challenges experienced by those who are transgender. This is a long battle, but it is one we are committed to winning.

Enforcing Consent Decrees



Ben Wolf (second from right) testifies before the Senate Human Services Committee on behalf of clients protected under ACLU consent decrees

The Governor's veto of the state budget – and the continuing lack of a budget six months into the fiscal year – are creating significant problems for the ACLU's most vulnerable people. Over the past few months, the [ACLU has returned on several occasions to federal court](#) in order to insure that the State continues to provide services mandated under consent decrees in several cases serving people with disabilities, children under the care of DCFS, and youth detained in the state's juvenile detention facilities. Even while we have been successful in keeping services for our clients, we are seeing that the budget stalemate is eroding the basic services for the poor and the vulnerable in our society.

This work underscores how critical [consent decrees enforced by federal courts](#) can be in fixing long-standing problems in our society. Sadly, in the course of making sure that our clients remain protected, we are seeing some in government attack the consent decrees arguing – ludicrously – that they are no longer necessary.

It bears repeating in this moment that the ACLU and other advocacy groups filed lawsuits against the State of Illinois to force substantial improvements to systems that serve the politically-powerless in our society. In each case, we brought a lawsuit because the State of Illinois had failed systemically over decades to provide constitutionally adequate services to these groups of people. Moreover, the State always has the capacity to end these decrees – by fixing the problems that were identified in the original complaint and put in place protections that guarantee that the systems will not backslide.

Instead, what the State has regularly done in these cases is dither, miss agreed-upon deadlines and fail in the most basic way to meet the needs of people in its care. While some seek to use this budget "crisis" as a moment to blame consent decrees for the problems of our State, the ACLU will remain steadfast in holding the State of Illinois to its commitments.

Ending Juvenile Solitary

Over the past few years, a growing body of research reveals that the use of solitary confinement for youth held in detention facilities can be damaging, especially for those youth who already struggle with mental illness. The use of isolation greatly increases the risk of self-harm and even suicide.

As an example, an analysis of young people who attempted suicide in New York City jails shows that nearly half of all these incidents came from the 7% of the population who had been subjected to solitary confinement.



Under a new policy – [approved by a federal court](#) – in a case brought by the ACLU of Illinois, solitary confinement of juveniles has been banned in the Illinois Department of Juvenile Justice. Under the new policy:

- Punitive isolation is not allowed
- Youths separated from the general population for any non-punitive reason must be provided their ordinary education and mental health services
- Youths separated for 24 hours or longer must be allowed out of their rooms, and provided an opportunity to interact with staff, for at least eight (8) hours each day.

This policy change, announced in May of 2015, was the latest development in the ACLU case challenging conditions at juvenile detention facilities across Illinois. It reflects the hard work that the ACLU is doing to fix long-standing problems in our state.

Bringing the state into compliance in conditions for persons detained also forces officials to confront the reality that the State of Illinois – both in juvenile and adult facilities – is detaining too many people in correctional facilities. We continue to work to safely reduce the number of people incarcerating using both litigation and legislative advocacy.

Protecting Children in DCFS

An oft-repeated adage – first ascribed to ACLU founder Roger Baldwin – is that “no civil liberties victory stays won.” We see the truth of that observation clearly in Illinois in the area of protecting children in the care of the Department of Children and Family Services.

Over nearly three decades, the ACLU has sought to improve conditions for children under the care of the agency. In the 1990s and early 2000s, we saw significant progress, with thousands of children being adopted out of the agency and into loving, caring homes.

But proving that old adage, the past few years has seen a reversal of this progress, with children increasingly being put at risk. This past year, things reached a point of crisis. We returned to court to seek (and win) appointment of an independent panel of experts to examine how to improve placements and services for children with psychological, behavioral and emotional challenges who are under the care of DCFS.



[The experts' report is a clarion call for change](https://www.flickr.com/photos/sgardner/) – real change within DCFS. The experts' conclusions make clear that there can be no tinkering around the edges. They describe the Department's current operation as a system of practice “shaped by crises, practitioner preferences, tradition, and system expediency,” and urged the Department to move instead to a cohesive, evidence-based practice model based on well-recognized core principles.

The Panel also emphasized that the services and treatments provided to a child should be chosen based on the child's needs rather than the Department's ability to claim federal dollars to defray the Department's service cost. They called for fundamental retraining and coaching of front-line staff and their supervisors, phased in over time, to completely reorient the service delivery culture at the Department. And they called for a wholesale review of the Department's leadership structure and re-training of management on basic management skills and clinical issues. In other words, the reform the Department needs to undertake cannot be accomplished unless workers and management “reboot” their interactions within the Department itself, with children, with families, and with outside care providers.

We now have reached an agreement with DCFS to implement these findings. But it will require another long-term commitment of energy and resources on the part of the ACLU. We know that this will not be easy, but we also are aware that there is simply no other organization that is experienced or positioned to do this work. It may be that Roger Baldwin was right – no victory ever stays won. That is why the ACLU will keep fighting.

Making Springfield Work



While much of the news out of Springfield this year was depressing – with a lack of agreement on a budget and an endless session – we saw advancements on a number of important civil liberties issues throughout the session.

Perhaps most important, the legislature responded to public outcry after events in Ferguson, Missouri, Baltimore and elsewhere, demanding more oversight and transparency of police. Late in the session, a bi-partisan group of legislators produced an omnibus policing bill that included significant input from the ACLU. The bill is complex, but has several important elements:

- The measure, for the first time, requires police all across the State of Illinois to track and record data about pedestrian stops. The ACLU [has worked](#) to address the problem of unfair and unconstitutional stops in Chicago, but has recognized that this also is an issue in other Illinois communities. This data will enhance advocacy efforts in these communities, and hopefully, improve police-community relations.
- The bill also mandates new training for police in Illinois, including training to address implicit bias. Such training helps law enforcement officials recognize their own biases and confront them in a fashion that reduces community tensions and escalations of non-threatening situations.
- And, the bill includes statewide standards for the use of police-worn body cameras, striking the right balance between transparency of police activities on our streets and personal privacy. As more communities consider and gain access to this technology, it is necessary to have these standards in place.

The legislation was a critical first step in policing reform across the state, and the ACLU plans to introduce bills in 2016 that include significant new reforms.

We also were happy to press for the passage of a measure – passed unanimously in both chambers – that addresses local ordinances that were negatively affecting survivors of domestic and sexual violence as well as those with disabilities. In recent years, more than 100 municipalities across Illinois have adopted so-called nuisance or crime-free ordinances. Under many of these local laws, a resident could be threatened with eviction if they phoned the police for help on a number of occasions over a designated period.

The folly of this is self-evident: if a woman is repeatedly abused by a partner or former partner, she should not be forced to choose between calling the police to protect herself or risk being evicted from her home, perhaps a home that she shares with her children.

The ACLU is working with communities around the State to bring their local laws into compliance with the state law, barring enforcement of these laws that do not have protections for survivors of sexual and domestic violence and those with disabilities.

Parody is Protected

Parody has a long, honored history. Satire programs such as Saturday Night Live regularly parody political figures and others. Today, that satire has moved online, including Twitter. Most publicly-recognized persons simply accept that being noteworthy is going to draw some critique.

Not so for the Mayor of Peoria. When a Peoria resident created a parody Twitter account, @peoriamayor, and began sending out tweets to his friends, the Mayor took notice. To be sure, some of the tweets were profane, others ludicrous and some were just silly. In short, no one who knew Mayor Jim Ardis of Peoria could ever have believed that the messages were coming from him.



Jon Daniel being interviewed by Jessica Williams on the Daily Show

So, one might think that he would ignore this, or perhaps launch his own Twitter account in order to combat this parody. Instead, the Mayor did what you might think is the least likely outcome – he demanded that law enforcement officials launch a full-scale police investigation, and a manhunt, to find Jon Daniel, the author of the account.

Ultimately, Mr. Daniel was arrested, his home was raided and his computer equipment and his phone was seized. It was almost unbelievable that police

could have thought this was a responsible thing to do.

The [ACLU filed a lawsuit on Mr. Daniel's behalf](#), noting that the leaders of Peoria “needed a lessons in civics.” [That lawsuit was settled this year.](#)

The settlement was nothing short of a victory. But that was not the end of this issue. In September, [the Daily Show did a feature on the case](#), pointing out the ludicrous response of the Mayor to the tweets from Mr. Daniel. The program also featured an extensive interview with our client and highlighted his plight in this matter.

We never thought a case like this would happen. But we hope that the attention to this makes clear to elected officials everywhere the folly of trying to use police resources against satire and parody.

Looking Ahead

It has been another successful and rewarding year at the ACLU of Illinois. But we know that the successes of this year are only building blocks to more work ahead. The items on our agenda for 2016 include the following:

- Working with interested parties and government officials to build a real, functioning community-based mental health care system. So many of the issues that we see – including mass incarceration – are driven by the lack of meaningful availability of mental health care in neighborhoods and communities. Providing support for such a system will alleviate a host of other problems and we are committed to advancing this discussion and planning.
- Working with the Commission on Criminal Justice and Sentencing Reform, appointed by Governor Rauner, to reform the criminal justice system and to safely reduce the number of people incarcerated in Illinois. Our system of justice today is broken, overburdened by long sentences and over-charging that does not really make our society safer, but actually harms communities and families. We are working to reduce the number of people incarcerated by 50% over the next several years, end the unnecessarily long sentences that don't serve the community, re-think the way in which we deal with all drug-related crimes and create tested, proven rehabilitative services that help the formerly incarcerated actually return to being productive members of society.
- Watching the Supreme Court, we continue to work to insure that Illinois remains a bastion of freedom compared to other states concerning a woman's ability to access a full range of reproductive health care, including abortion. In 2016, the Court will take up a case involving clinic restrictions from Texas, which has rendered the right to choose to terminate a pregnancy all but unattainable for many women. The ACLU of Illinois is proud of our history of resisting such restrictions in Illinois.



Make a donation to the ACLU at: aclu-il.org/ACLU2015