

IN THE CIRCUIT COURT OF COOK COUNTY  
CHANCERY DIVISION

FRATERNAL ORDER OF POLICE, CHICAGO	)	
LODGE NO. 7,	)	
	)	
Plaintiff,	)	CASE NO.
	)	
vs.	)	JUDGE
	)	
CITY OF CHICAGO,	)	
	)	
Defendant,	)	

**VERIFIED COMPLAINT**

Plaintiff, FRATERNAL ORDER OF POLICE, CHICAGO LODGE NO. 7 (“Lodge” or “Plaintiff”), by and through its attorneys, hereby complains against Defendant, CITY OF CHICAGO (“City” or “Defendant”), and alleges as follows:

**Introduction**

1. This complaint is seeking declaratory and injunctive relief to ensure the City’s compliance with the Police and Community Relations Improvement Act, 50 ILCS 727/1-1, *et seq.* (“PCRIA”) and the Illinois Police Training Act, 50 ILCS 705/1, *et seq.* (“IPTA”). Specifically, Lodge seeks a declaration that the investigators employed by the City, as detailed in General Order G03-06, do not have the minimum training required by PCRIA and IPTA to investigate Officer involved deaths, along with an order directing the City to implement a policy that is consistent with, and to otherwise abide by PCRIA and IPTA.

2. Venue is appropriate in the Chancery Division of the Circuit Court of Cook County, as the City is within Cook County, and all facts relevant hereto occurred within Cook County.

3. Jurisdiction is appropriate in the Chancery Division pursuant to 735 ILCS 5/2-701 and General Order No. 1.2,2.1.

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4. Plaintiff Lodge is an Illinois not-for-profit corporation, commonly known as a labor organization, which exists for the purpose of representing all sworn Police Officers below the rank of Sergeant in the Department of Police of the City of Chicago in collective bargaining matters concerning wages, hours, terms and conditions of employment. The Lodge engages in such activities in the City of Chicago, County of Cook, State of Illinois, and has its principal office at 1412 W. Washington Boulevard, Chicago, Illinois.

5. Defendant City is a municipal corporation organized under the laws of the State of Illinois and employs, *inter alia*, Police Officers represented by the Lodge.

6. The City, by ordinance, has established various agencies or departments, including the Department of Police (Chicago Municipal Code 2-84-010), the Independent Police Review Authority (Chicago Municipal Code 2-57-020), and the Civilian Oversight of Police Accountability (Chicago Municipal Code 2-78-105), none of which have a legal existence separate or distinct from the City.

7. Since the early 1980's, the Lodge and the City have entered into a series of collective bargaining agreements outlining and establishing the terms of employment for Police Officers below the rank of Sergeant.

8. The PCRIA was passed by the State Legislature in May 2015 and signed by the Governor in August 2015, taking effect January 1, 2016, a complete copy of which is attached hereto as Exhibit A.

9. The PCRIA states in relevant part at 50 ILCS 727/1-10(b):

Each officer-involved death investigation shall be conducted by at least 2 investigators, or an entity or agency comprised of at least 2 investigators, one of whom is the lead investigator. The lead investigator shall be a person

certified by the Illinois Law Enforcement Training Standards Board as a Lead Homicide Investigator, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Department of State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. No investigator involved in the investigation may be employed by the law enforcement agency that employs the officer involved in the officer-involved death, unless the investigator is employed by the Department of State Police and is not assigned to the same division or unit as the officer involved in the death.

10. Moreover, under IPTA, “[o]nly law enforcement officers who successfully complete the training program [approved by the Illinois Law Enforcement Training Board] may be assigned as lead investigators in death and homicide investigations.” 50 ILCS 705/10.11 (Attached as Exhibit B).

11. In an effort to comply with PCRIA, the City implemented General Order G03-06, effective March 30, 2016, a copy of which is attached hereto as Exhibit C.

12. Consistent with General Order G03-06, the City designated the Independent Police Review Authority (“IPRA”) to investigate all officer involved deaths.

13. The City has announced that IPRA will be replaced by a new entity, the Civilian Office of Police Accountability (“COPA”), in mid-2017.

14. On information and belief, the duties to be transferred from IPRA to COPA include the duty to investigate Officer involved deaths under General Order G03-06, and investigators currently employed by IPRA are expected to be employed by COPA.

15. On information and belief, IPRA does not now and has not at any time since January 1, 2016, had any investigators qualified to be “lead investigators” because none of IPRA’s investigators were or are “certified by the Illinois Law Enforcement Training Standards Board as a Lead Homicide Investigator, or similar training approved by the Illinois Law Enforcement Training

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Standards Board or the Department of State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school.”

16. On information and belief, the Illinois Law Enforcement Training Standards Board has not certified IPRA’s investigators as “lead investigators” or otherwise approved the training actually obtained by IPRA investigators as sufficient for them to serve as “lead investigators.”

17. Beginning on or about January 1, 2016, and continuing to date, IPRA has assigned investigators who are not qualified to be “lead investigators” under PCRIA and IPTA to investigate all officer involved death investigations in the City of Chicago and will continue to do so.

18. Neither the Department of Police, IPRA or COPA are legally distinct from the City. Thus, investigation of Officer involved deaths conducted by IPRA fails to satisfy the PCRIA statutory requirement that such investigations be conducted by an investigator not employed by the same law enforcement agency as the Officer being investigated.

19. The Lodge raised its concerns that the General Order, and the City’s administration thereof, do not satisfy the requirements of PCRIA with the City, the City’s Inspector General and the Illinois Attorney General.

20. While the City, through the Corporation Counsel’s office, has formally responded to the Lodge’s concerns asserting that it believes that it is in compliance with PCRIA, neither the City’s Inspector General nor the Attorney General have responded.

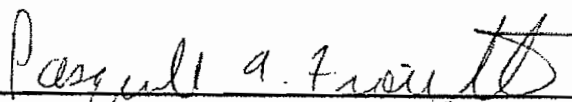
21. Although not obligated to do so, the Lodge has provided notice to the Illinois Attorney General of its intent to file this suit and requested that the Attorney General intervene to ensure that the question of the City’s compliance with PCRIA is fully and properly adjudicated.

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WHEREFORE, Plaintiff prays:

- A. That the Court enter judgment in its favor declaring that the City is not in compliance with the requirements of PCRIA or IPTA as it relates to investigation of Officer involved deaths;
- B. That the Court enter judgment ordering and enjoining the City to comply with the requirements of PCRIA and IPTA forthwith, as relates to investigation of Officer involved deaths; and
- C. That the Court grant Plaintiff any such other relief that it deems just and equitable, all at Defendants' cost.

Respectfully submitted,

  
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Pasquale A. Fioretto, One of the attorneys for Plaintiff

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