

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

KEIA YATES, LEONARDO RODRIQUEZ,)
and JOHNNY JIMMERSON, as)
representatives of that class of individuals)
working as AVIATION SECURITY)
OFFICERS OF THE CITY OF CHICAGO,)
DEPARTMENT OF AVIATION,)

Plaintiffs,

v.

STATE OF ILLINOIS, BRENT FISCHER,)
as Executive Direction of the Illinois Law)
Enforcement Training and Standards Board;)
the CITY OF CHICAGO; and GINGER)
EVANS, as Commissioner of the City of)
Chicago Department of Aviation,)

Defendants.

Civil Action No. 1:18-cv-

CLASS ACTION COMPLAINT

Plaintiffs Keia Yates, Leonardo Rodriguez, and Johnny Jimmerson, through their undersigned counsel, bring this class action complaint on their behalf and on behalf of all others similarly situated, against the State of Illinois; Brent Fischer, as the Executive Director of the Illinois Law Enforcement Training and Standards Board; the City of Chicago; and Ginger Evans, as Commissioner of the City of Chicago, Department of Aviation, and complain and allege as follows:

NATURE OF THE CONTROVERSY

1. For nearly three decades, the City of Chicago’s Department of Aviation (“CDA”) and the Illinois Law Enforcement Training and Standards Board (“ILETSB”) have recognized the members of the Chicago Aviation Police (the “Plaintiffs”) as bona fide

law enforcement officers. As the CDA has publicly stated for decades, these men and women—sworn graduates of the Chicago Police Academy and Cook County Sherriff's Training Academy—are necessary to, among other things: (1) “patrol airport grounds, terminals, and facilities,” (2) “provide a law enforcement presence,” (3) “deter criminal activity,” (4) “prevent unauthorized airport access,” and (5) “enforce security rules.” Until recent events, described more fully below, Plaintiffs were required to annually qualify with firearms. Indeed, as far back as 1993 the ILETSB elected to formally recognize the CDA as a law enforcement agency (an “LEA”) and, as such, Plaintiffs qualified as “law enforcement officers” (“LEOs”) under Illinois law.

2. To discharge their duties, the Plaintiffs were historically equipped with police vehicles, non-lethal weapons, and handcuffs that allowed them to patrol and protect airport property, terminals, and facilities. Although Plaintiffs are not authorized to carry firearms while working, much like LEOs working in prisons or on other assignments where agencies have determined that the regular presence of firearms poses too great a risk, Chicago Aviation Police were permitted to possess and register their weapons and carry them concealed off-duty like other LEOs. In the course of discharging their duties, Plaintiffs have issued tens of thousands of citations for myriad violations of state statutes and city and county ordinances, and they are routinely sworn in and testify in open court on behalf of the City of Chicago in those cases where citations issued by the Chicago Aviation Police are disputed. Many of the Plaintiffs work part-time as police officers in other jurisdictions. Moreover, many former members of the Chicago Aviation Police have leveraged their years credited as law enforcement officers to lateral into other

police departments and law enforcement positions within the State of Illinois and elsewhere.

3. Nonetheless, in the face of, and in response to, intense political pressure following the April 9, 2017 incident on United Airlines Flight 3411, the City of Chicago and the ILETSB, in an arbitrary and capricious decision, elected to retroactively strip Plaintiffs of all time served as LEOs, unilaterally altering their employment history, rendering them ineligible for lateral employment by other police departments and law enforcement organizations, and damaging their employment prospects in the process. The damages these officers have suffered are both real and catastrophic. For Plaintiffs, decades of otherwise legitimate law enforcement experience have been effectively erased from their work history, severely curtailing their job prospects and significantly impacting their future earning potential.

4. By and through their conduct, the State of Illinois and the City of Chicago have wrongfully and improperly taken and deprived Plaintiffs—the members of the Chicago Aviation Police—of their rights and property without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution. Consequently, Plaintiffs bring claims against the State of Illinois and the City of Chicago for violations of 42 U.S.C. § 1983, common law fraud, and equitable estoppel. Plaintiffs seek an award of damages to compensate them for the injuries they have suffered—and continue to suffer—at the hands of the State of Illinois and the City of Chicago. Plaintiffs also seek an award for their costs and attorneys' fees associated with the bringing of this action, which was necessitated by the City of Chicago and the State of Illinois' conduct.

PARTIES

5. Plaintiff Keia Yates is a citizen of the State of Illinois and resides in Cook County.

6. Plaintiff Leonard Rodriguez is a citizen of the State of Illinois and resides in Cook County.

7. Plaintiff Johnny Jimmerson is a citizen of the State of Illinois and resides in Cook County.

8. The Illinois Law Enforcement Training and Standards Board is an agency of the State of Illinois.

9. Brent Fischer ("Fischer") is the Executive Director of the Illinois Law Enforcement Training and Standards Board.

10. The Chicago Department of Aviation is an agency of the City of Chicago. The City of Chicago is a municipal corporation organized under the laws of the State of Illinois with its principal place of business in Cook County.

11. Ginger Evans is the Commissioner of the Chicago Department of Aviation and regularly conducts business in Cook County.

JURISDICTION AND VENUE

12. This Court has original jurisdiction of this civil action under 28 U.S.C. § 1331(a) because it arises under the Constitution, laws, or treaties of the United States.

13. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in, or a substantial part of the property that is the subject of the action is situated in, this judicial district.

FACTS COMMON TO ALL CLAIMS

The City Creates the Position of Aviation Security Officer in the Early 1980s to Provide a Law Enforcement Presence at the Chicago Airports

14. In approximately 1982, the Chicago City Counsel, through amendments to its municipal code created the position of Aviation Security Officer (“ASO”) to serve a security function within the CDA at O’Hare International Airport and Midway International Airport (the “Airports”).

15. The Airports are generally divided into two areas: those areas openly accessible to the public (the “Land Side”) and those secure areas such as the airfield, terminals and other restricted access points on airport grounds (the “Air Side”).

16. ASOs were responsible for securing the Air Side areas including airport terminals, airport roadways, and department facilities. In addition to manning checkpoints, and patrolling airport perimeters, ASOs would prepare reports on security activities, conduct inspections, cargo checks, inventory property, and check security clearances/IDs of individuals seeking Air Side access.

The City of Chicago Requests “Law Enforcement Agency” Status for the Department of Aviation and that Request is Granted by the State of Illinois

17. In approximately 1993, the State of Illinois, upon application by the City of Chicago, recognized the CDA as a law enforcement agency (“LEA”). Importantly, the designation of the CDA as an LEA gave the CDA the ability to send its officers to the Chicago Police Academy and Cook County Sherriff’s Training Academy for law enforcement education and training. Entities that are not LEAs, such as security companies, cannot send employees or probationary employees to certified education and training academies, like the Chicago Police Academy and Cook County Sherriff’s

Training Academy. Specifically, if the CDA was not an LEA, neither the Chicago Police Academy nor Cook County Sherriff's Training Academy would admit the CDA's ASO personnel for education and training.

18. Since as far back as 1993, every ASO hired by the CDA has been required to gain acceptance into and graduate from either the Chicago Police Academy or the Cook County Sherriff's Training Academy; be sworn in as an officer; and become certified as a law enforcement officer ("LEO") by the ILETSB.

19. Each ASO hired by CDA since 1993 through June of 2017, who complied with the requirements outlined above, received their LEO certificate and their corresponding LEO ID number.

20. Moreover, every ASO hired by the CDA since approximately 1993, was given an employment manual, that each officer was required to sign and attest that they had received, that states:

AUTHORITY OF AVIATION SPECIAL POLICE OPERATIONS PERSONNEL

Aviation Special Police Officers will be state certified law enforcement officers. They will be commissioned by the Superintendent of Police of the City of Chicago Police Department as Special Police Officers and will have the authority to make arrests while enforcing state laws and City of Chicago ordinances as specified by the Managing Deputy Commissioner, Security, while on Department of Aviation property. They will not interfere in any police department investigation; however, they will respond to incidents and summon police whenever the need arises. They will effectively and unobtrusively interact with police during these incidents. Every Special Police Officer will conform to and be subject to all the rules and regulations governing Police Officers of the City of Chicago, and to such additional rules and regulations as the Superintendent of Police may make concerning Special Police. **Special Police will possess all the powers of the regular police patrol at**

the places for which they are respectively appointed or in the line of duty for which they are engaged.
(Municipal Code of Chicago, 4-340.)

21. Copies of this same manual containing this same language have been provided to ASOs hired by CDA in every class of new ASOs from 1993 through 2017.

22. Each ASO working for the CDA since 1993 has been required to recertify and retest with the ILETSB every year, like every other LEO in the State of Illinois, or be terminated by the CDA. In fact, until June of 2017, failure to graduate from the Chicago Police Academy or Cook County Sherriff's Training Academy, or failure to pass recertification testing with ILETSB every year, resulted in an ASO's termination from the CDA.

23. In approximately 1993, the CDA gave ASOs the option of continuing their employment as police officers (attend and graduate from certified academy under CDA's sponsorship, complete annual certifications, etc.), resign, or be terminated.

24. Approximately 100-150 ASOs were either terminated or resigned under the new program. All of those that stayed and that were subsequently hired were advised they were police officers.

25. The CDA has repeatedly and consistently advised all applicants—over the course of the last three decades—of the requirements and the benefits of the position of APO, including the right to receive LEO status. In particular, LEO status grants LEOs rights and opportunities not available to regular citizens. Specifically, LEOs are permitted to carry a concealed weapon without a concealed carry permit, while serving and in retirement, under the federal Law Enforcement Officers Safety Act, codified at 18 U.S.C. §§ 926B and 926C ("LEOSA"). LEOs are permitted to carry a concealed weapon in

any jurisdiction of the United States without standard certification under local or state laws. *Id.* LEOs can generally transfer among law enforcement agencies laterally and typically are not required to retrain or recertify under that jurisdiction's police training academy. Additionally, LEOs typically are not subject to the age restrictions applicable to new hires and receive credit for time served working as LEOs in other jurisdictions.

The City Renames and Completely Rebrands Aviation Security Officers as “Aviation Police Officers” Following the Terror Attacks of September 11, 2001

26. Following the World Trade Center attacks in 2001, the creation of the Transportation Safety Administration (“TSA”), and the creation of a host of new laws—federal, state, and local—impacting air travel, ASOs were officially renamed Aviation Police Officers (“APOs”).

27. Not only did the CDA and the City of Chicago begin referring to former ASOs as APOs, both the City of Chicago and the CDA transformed virtually every document and outward sign and symbol referring to or representing the ASOs, as police officers—*Airport Police Officers*.

28. By way of example, the following documents were revised and republished by the City of Chicago and the CDA holding the officers out as police:

- a. All letterhead throughout the CDA at both airports was revised to state that the officers were “Aviation Police”;
- b. All attendance sheets state “Aviation Police”;
- c. All EMS instruction sheets state “Aviation Police”;
- d. All memoranda indicated they were sent to and from “Aviation Police”;
- e. All notices of progressive discipline state “Aviation Police”;
- f. All field car assignment sheets state “Aviation Police”;

- g. All vacation preference sheets state “Aviation Police”;
- h. All watch signature sheets state “Aviation Police”;
- i. All post-relief schedule sheets and case reports state “Aviation Police.”

29. Furthermore, since at least 2001, in addition to the official forms and documents the officers were provided and required to use on a daily basis for 16 years stating they were “Aviation Police,” the CDA also held the officers out as police in the following ways:

- a. All APOs were given five-point star badges, only provided to law enforcement (as opposed to “egg-shaped” badges associated with security), with the words Aviation Police and the officer’s ID number on them;
- b. All patches on APO uniforms and ID cards referred to them as Aviation Police Officers;
- c. All traffic complaint tickets issued to the public and submitted to Illinois courts since at least 2001, refer to the complaining officers as Aviation Police;
- d. All Public Safety Announcements from the department made to the public and viewed also by officers and other employees at the airport referred to the officers as Aviation Police and the Aviation Police Department;
- e. All newsletters that went out to the APOs and staff referred to them as Aviation Police;
- f. The Chicago Police Department’s Daily Bulletin sent around to its entire force referred to the APOs as police;
- g. The APOs were provided patrol cars to utilize on the job that had the word POLICE written in multiple places in large letters on the vehicles;
- h. The APOs were provided patrol cars to utilize on the job that had flashing red and blue emergency lighting, restricted in Illinois to law enforcement vehicles;

- i. CDA provided APOs with handcuffs and ASPs (tactical batons), the latter of which cannot be carried without state certification as an LEO;
- j. APOs were and are permitted to demand identification and run warrant checks on detained individuals;
- k. APOs were and are permitted to issue tickets and arrest individuals for ordinance violations;
- l. While in uniform and on airport property, APOs had all the powers of Chicago Police Officers, including the authority to make arrests when they had probable cause that a violation of a federal, state, county, or city law or ordinance occurred;
- m. APOs were often listed as the arresting officer on official forms of the City of Chicago;
- n. APOs were dispatched in Land Side incidents, Land Side traffic control calls and 911 calls made from O'Hare Airport;
- o. APOs conducted preliminary incident investigations, participated in operations with the Chicago Police Department, were frequently required to testify in court, and were held out to Illinois courts and juries, as police officers;
- p. On those occasions where suspects assaulted APOs and resisted arrest, they were charged with aggravated felonies by the Illinois State's Attorney for aggravated assault on a police officer and/or resisting arrest by a police officer;
- q. APOs have had the authority to enforce TSA's post-2001 regulations and TSA-approved security programs;
- r. From 2001-2010, APOs were also charged with Land Side traffic enforcement, issuing traffic citations for violations of the Illinois Vehicle Code, processing DUI offenders, conducting background checks on individuals pulled over for traffic citations, and filling out Chicago Police case reports as "complaining officers" among other things.

Everything Changes after the Events on United Flight 3411

30. On or about April 9, 2017, APOs assigned to O'Hare International Airport were dispatched to United Flight 3411 to respond to a call from the flight crew aboard the United Airlines flight regarding a non-compliant passenger.

31. Several APOs responded to the call and eventually removed Dr. David Dao from the airplane through the use of force. Video footage of the event spread across social media and virtually every news outlet in the United States and beyond, alleging abuse by "Chicago Police Officers."

32. In one of the more publicized videos of the events of that evening, an APO can be seen dragging David Dao down the aisle of the plane after removing him from his seat. The video footage includes the back of an APO's vest which states in stark, embroidered letters: "POLICE." The vest in the video footage was provided to that APO by the CDA.

33. The enormous amount of publicity generated by the events aboard United Flight 3411 resulted in almost universal condemnation of the City of Chicago and the Chicago Police Department, which were already embroiled in a host of police violence cases, vitriolic attacks on Mayor Rahm Emanuel, and subsequent demands by the United States Congress for Chicago officials to appear before various committees in response to police violence cases in Chicago.

34. Even the People's Republic of China denounced the City of Chicago's "Police Department" for its violation of Dr. Dao's civil rights. The cell phone video of the event was viewed 600 million times in China alone on China's Twitter equivalent.

35. One month after the incident, in May 2017, the Commissioner of the CDA, Ginger Evans, was hailed before the United States Senate Subcommittee on Aviation Operations, Safety and Security to face questions surrounding United Flight 3411 and the actions of the APOs on April 9, along with the CEO of United Airlines, Oscar Munoz, and a host of other officials.

36. Commissioner Evans repeatedly testified under oath that the officers involved with the United Flight 3411 incident were not police officers. Specifically, Evans testified under oath before the Senate Subcommittee, that the APOs were “aviation security officers” and “non-sworn, non-armed security personnel.” (Tr. from Hearing of Senate Subcommittee on May 2, 2017.)

37. Evans further testified that the APOs’ responsibility at the Airports is to check badges of airport personnel entering secure areas; to secure alarm doors; and to maintain a secure perimeter. Evans completely omitted the other prominent and vital roles APOs serve and the functions they perform outlined above.

38. Moreover, she completely failed to apprise the Senate subcommittee of the overwhelming evidence that demonstrates that APOs are police—and have been police—since the CDA decided to label and treat them as such two decades before.

39. Instead Ms. Evans promised to “institute several changes in our policies, procedures, and training programs”—code for completely erasing the badges of police and law enforcement authority that the CDA has issued to each APO for decades.

40. In fact, since Ms. Evans’ testimony before the U.S. Senate, she has publicly stated that the APOs “are not, and have never been, police.”

41. In the month following the United Flight 3411 incident, the Mayor of Chicago, Rahm Emanuel, made multiple public appearances where he was doggedly questioned by the press about United Flight 3411, even in instances where Mayor Emanuel's appearance had nothing to do with aviation police, airport security, or United Flight 3411. Mayor Emanuel—just like Commissioner Evans—referred to the APOs as “security” and refused to recognize the APOs as police or law enforcement officers.

42. Eventually, both United Airlines and the City of Chicago were sued by the passenger that had been removed by the APOs. The case was settled within one month of the incident. And while the terms of the settlement were confidential, it was reported that as a condition of United Airline's payment to David Dao, further action could not be taken against the City of Chicago.

In the Aftermath of United Flight 3411, the ILETSB and the City of Chicago Work in Concert to Decertify the Chicago Department of Aviation as a Law Enforcement Agency and Strip Airport Police Officers of Their Employment

43. Just two days before the United Airlines Flight 3411 incident would occur, a letter was purportedly drafted by the ILETSB to the First Deputy Chief of Staff for the City of Chicago inquiring about and asking the City of Chicago “to define the moment when [APOs] were pulled from the jurisdiction of the Superintendent and placed wholly under the direction of the Department of Aviation – this will allow us to determine when aviation employees ceased serving as ‘law enforcement officers.’” (A copy of the Illinois Law Enforcement Training and Standards Board Letter dated April 5, 2017 is attached as Exhibit A.)

44. ILETSB knew full well that the CDA was an independent LEA and recognized it as such, separate and apart from CPD, when it assigned CDA its own LEA ID number.

45. Upon information and belief, ILETSB wanted to create the false impression that its decision to decertify the CDA and APOs was independent of—and *arose before*—the United Airlines Flight 3411 incident. The facts tell a different story.

46. In its letter dated April 5, the ILETSB recounted the history of the APOs serving as law enforcement officers: “In the early 1990s, the ILETSB was advised that the Chicago Department of Aviation Security Officers were employees of the City of Chicago, duly authorized to make arrests, trained and certified in the same manner as Chicago Police Officers and under appointment of the CPD Superintendent as ‘special police’ officers. For those reasons, such employees were deemed ‘law enforcement officers’ employed within a special division of the Chicago Police Department.” (Exhibit A.)

47. In fact, until United Flight 3411, there has never been a genuine dispute that APOs served as “law enforcement officers” and that they were entitled to all the rights, benefits, and privileges enjoyed by other law enforcement officers, including, but not limited to certain firearm privileges under LEOSA, lateral transfer abilities, and increased wages at alternate agencies as a result of seniority for time served as LEOs.

48. The ILETSB claimed, inexplicably, to have “come to learn of several disparities that distinguish Aviation Security Officers from rank and file CPD law enforcement officers.” (*Id.*) Specifically, the ILETSB noted that ASOs “are not authorized to carry firearms while on, or off, duty.” (*Id.*)

49. The fact that officers are not authorized to carry firearms while on duty is of no significance because APOs have never carried firearms while on duty. ILETSB has known that since it first certified the CDA as an LEA and the officers as LEOs almost 30 years ago. ILETSB's statement in the letter that officers do not carry firearms while off-duty is completely false.

50. APOs were also required—as a condition of their continued employment with CDA—to maintain their annual firearms certification. Furthermore, APOs are authorized to run driver's license checks on, issue citations to, and detain and arrest offenders who violate various state statutes and city and county ordinances governing safety and security at the Airports—facts which the ILETSB also knew.

51. Security personnel are not permitted to access state and federal databases to run instant background/warrant checks on private citizens. All Defendants are aware that APOs do so, and have done so for three decades.

52. In its letter, the ILETSB also argued that certain “decisions of the Illinois Public Labor Relations Board continuously determine that these employees are not law enforcement officers.” (*Id.*) In particular, the ILETSB posited that “[w]ithin the IPLRB decisions, we discovered that the chain of command for Aviation Security Officers can be traced up from field officers to lieutenants, to sergeants, and ultimately to the Chairman of the Department of Aviation. Yet, at no point is the Superintendent involved in their direction or command. Therefore, we cannot trace law enforcement authority from the Illinois Statutes to these particular employees, in the manner that we can for CPD officers, and we can no longer find them to be law enforcement officers.” (Exhibit A.)

53. The ILETSB's citations to decisions of the Illinois Public Labor Relations Board as a basis to question and decertify the CDA as a law enforcement agency and the APOs as law enforcement officers is pretextual.¹ The City of Chicago—not the Illinois Public Labor Relations Board—is empowered to designate ASOs as having police powers. Specifically, under Section 2-20-030 of the Chicago Municipal Code, “Such employees of the department of aviation as the commissioner of aviation may designate shall have full police powers, and for that purpose shall be sworn in as special policemen by the commissioner of police, and furnished with suitable badges of authority.” Chicago Municipal Code § 2-20-030.

54. The CDA conferred police powers on the APOs long ago and, in order to discharge their duties and responsibilities to ensure safety at the Airports. Indeed, the ILETSB has certified every officer working for the CDA as an LEO from 1993 through June of 2017.

55. On June 15, 2017, ILETSB wrote again to the City of Chicago and stated:

In April, our office reached out to you with certain inquiries concerning the status of the Department of Aviation's Security Officers. To date, we have received no response and must therefore conclude that the pertinent date identifying when these employees were reorganized and no longer under

¹ Inasmuch as the decisions of the IPLRB are have been raised they are completely irrelevant. The decisions demonstrate that both the Fraternal Order of Police and the Illinois Counsel of Police have attempted to sever the APOs from their current union and bring them within their membership. Were the APOs mere “security officers,” as the ILETSB now contends, the Fraternal Order of Police and the Illinois Counsel of Police would not have attempted to acquire the membership of the APOs. Severing a union affiliation is extremely difficult. Even when a petitioning unit like the APOs wants to leave an incumbent union they must overcome major hurdles. For instance, “The [petitioning unit] must not only establish that the [new union] is appropriate, but also that the existing [union] is not... as long as the existing [union] is appropriate, it need not be the most appropriate one.” *Ill. Fraternal Order of Police v. Ill. Local Labor Rel. Board*, 319 Ill. App. 3d 729, 743 (1st Dist. 2001.) The fact that APOs are in a different union than CPD has no bearing on their designation as police or LEOs and Defendants are well aware of that.

the control and direction of the Chicago Police Superintendent is not known.

With this – and in accordance with recent published statements from the Department referring to these employees as “nonsworn, nonarmed security personnel” – we must conclude that they are not “law enforcement officers” as defined by the Police Training Act. It is our understanding that these individuals are not carrying firearms and not making arrests, therefore, our conclusion should not affect their duties and operations. However, this does preclude new hires from attending an approved law enforcement academy. Please be advised that the Director of the Chicago Police Academy will be informed of our decision.

By way of administration, officers who received their training and certification will remain certified officers; however, time served as an employee of this entity will not qualify towards any law enforcement benefits or credentials as maintained by the Board. Because no date of reorganization could be identified, and to protect the interests of the employees at issue, the Board will deactivate the CDA and administratively separate the individuals on the subject roster as of July 1, 2017.

(Letter from B. Fischer to J. Coogan dated June 15, 2017, a copy of which is attached as Exhibit B.)

56. In essence, on June 15, 2017, after having sent one letter to a city official that ILETSB cannot even confirm was received, ILETSB deactivated CDA as a LEA, removed Plaintiffs from the roster of active LEOs, and wiped out Plaintiffs’ entire career histories and time served as law enforcement officers, during the same period that the City of Chicago was being harangued by the People’s Republic of China for civil rights abuses. That is not mere coincidence.

The City of Chicago Had Already Decided to Strip Plaintiffs of Their Law Enforcement Officer Status Well Before June 15, 2017

57. After the United Airlines flight 3411 incident, the City decided to strip APOs of their status as police by, among other methods, replacing their star shaped badges with egg shaped badges that no longer said “police,” replacing uniforms and patrol cars by removing the words “Police,” and attempting to rebrand them generally as airport “security” instead of “police.”

58. Defendants would have the public believe that these decisions to eliminate the “police” designation and the intense pressure the City faced for police officer conduct generally and the United Flight 3411 incident were made independent of one another. They were not.

59. The City of Chicago’s decision to strip APOs of their status as police resulted in the APOs union filing an unfair labor practice charge with the Illinois Labor Relations Board against the City, in which the union alleged that the City had violated Section 10(a)(1) and (4) of the Illinois Public Labor Relations Act, 5 ILCS 315/10, by announcing its intention to strip APOs of their authority as special police officers, including by removing symbols of the ASOs status as special police officers and by changing ASO vehicles and uniforms to state “security” instead of “police.”

60. Following the initiation of the unfair labor practice charge, the City of Chicago and the APOs union engaged in discussions regarding the City of Chicago’s unilateral changes to APOs’ job duties and reclassification of APOs as security instead of police.

61. On or about May 18, 2017, the APOs union received a draft “Letter of Agreement” from the City of Chicago, outlining the City’s proposed changes to APO

functions and job duties. The letter was drafted by Joseph Martinico, the same person who had been corresponding with ILETSB regarding the decertification of the CDA as a LEA.

62. The May 18, 2017 proposed “Letter of Agreement” specified that APOs would no longer be recognized as police, special police, or peace officers, that APOs’ title would be changed to Aviation Public Safety Officers, and APO vehicles, badges, and uniforms would all be rebranded. The May 18, 2017 proposed “Letter of Agreement” also proposed stripping APOs of their authority to make arrests for individuals found or suspected of violating city, state, and federal laws, removing APOs’ authority to issue traffic violations, limiting APOs’ authority to conduct searches of property and vehicles, and specifying that APOs could only respond to incidents and disturbances when requested by Chicago Police.

63. The APO union notified the City that it was rejecting the draft “Letter of Agreement” on or about June 15, 2017—the exact same day that the ILETSB notified the City of Chicago it was deactivating CDA as an LEA, separating the Plaintiffs from the roster of LEOs, and wiping out the Plaintiffs’ job histories, including time served as law enforcement officers.

64. On June 20, 2017, Joseph Martinico of the City of Chicago responded to the ILETSB’s correspondence—purportedly dated April 7, 2017—and stated:

This is in response to your recent letter to Ms. Joan Coogan, dated June 15, 2017 regarding the status of City of Chicago Department of Aviation Security Officers. My office did respond to an earlier inquiry received from Ms. Cora Beem [the letter purportedly drafted on April 7], manager of mandated training for the ILETSB, by correspondence to Ms. Beem dated May 19, 2017. I have included a copy of our response together with this letter for your information. It is

apparent that you did not previously receive a copy of our response, and I apologize for this inconvenience.

(Letter from J. Martinico to B. Fischer dated June 20, 2017, a copy of which is attached as Exhibit C.)

65. According to Mr. Martinico, he responded to ILETSB on May 19, one day before sending the “Letter of Agreement” to Plaintiffs’ union even though ILETSB never received that letter.

66. In his letter of June 20, 2017 to the ILETSB, Mr. Martinico stated:

As you will note from our previous letter,² the City’s Aviation Security Officers do not receive any certification or appointment from the Chicago Police Superintendent, are under the supervision and direction of the Commissioner of the Department of Aviation rather than the CPD Superintendent, and serve an unarmed security function at the City’s airports. Moreover, they are neither police officers nor special police officers under applicable Chicago Municipal Law.

(Exhibit C.)

67. At the time Mr. Martinico sent his June 20 letter, he knew about Section 4-340 of the Chicago Municipal Code designating Plaintiffs as special police, he knew that the Union had challenged the changes being sought by the City regarding police markings and modifications of job duties; he should have known that *his department* prepared a two inch thick manual and distributed it to all APOs for two decades telling them they were police, with the same powers as Chicago Police Officers while on-duty; and he certainly knew that every piece of paper, inscription, badge and other outward

² The previous letter was never actually received by ILETSB.

representation of the CDA “security force” issued by the City of Chicago held these officers out as Aviation Police.

68. In response to Martinico’s June 20, letter, ILETSB, wrote back and stated:

Thank you for your response dated June 20, 2017 regarding the status of the City of Chicago Department of Aviation Security Officers.

Based upon your response that these ASOs perform an unarmed security function and they are neither police officers nor special police officers under applicable Chicago Municipal law, the Board will deactivate the City of Chicago Department of Aviation as a law enforcement agency and administratively separate all personnel currently listed on that roster effective upon the close of 6-30-2017.

As soon as possible, the respective authorities should inform all employees of this agency that they are not law enforcement officers under the Police Training Act and have no authority as such to make arrests or carry firearms. Any individual who completed a basic law enforcement academy and passed the state certification exam shall be reflected as a certified officer within the Board’s records; however, time employed by the CDA shall not be credited as “law enforcement” employment in any capacity, including, but not limited to, subsequent employment and participation in the Illinois Retired Officer Concealed Carry program.

With this letter, we believe that all matters of inquiry are concluded and we will close our file.

(Letter from C. Beem to J. Martinico dated June 29, 2017, a copy of which is attached as Exhibit D.)

69. Mr. Martinico never responded to the June 29, 2017 letter, but instead the City of Chicago has publicly and pretextually used the fact that the ILETSB deactivated

the CDA as an LEA and erased the LEO status of Plaintiffs, as evidence that Plaintiffs were not, in fact, police and that they should be designated “security officers,” instead.

70. On or about July 11, 2017 the same Mr. Martinico notified the APO union that the City would be rebranding APOs as “security” and would be repainting APO vehicles to replace the word “Police” with “Aviation Security.”

71. On or about July 11, 2017, the City further provided the APO union with a revised Aviation Security Division Directive that changed APO work duties by proscribing that APOs will no longer self-deploy to disturbances and incidents reported to the O’Hare Communications Center (“OCC”) or Midway Communications Center (“MCC”), and that APOs will no longer respond to on-view disturbance incidents unless there is a “potential for violence” or where an offender of a criminal act may escape.

72. While presumably it was politically expedient for the City of Chicago to say that it had 300 police officers at the Airports charged with first-responder duties after September 11, 2001, now—after the public relations fallout from United Flight 3411—it is politically expedient for a new directive identifying the APOs as “observers” rather than police and first responders.

73. The July 11, 2017 directive requires that APOs notify the OCC or MCC to request that the Chicago Police Department respond, and observe, monitor, and take note of the action. The directive also states that APOs will only board aircraft when the Chicago Police Department or the Chicago Fire Department request assistance.

74. On or about July 12, 2017, the City issued a press release announcing that the City was introducing a new directive designating Chicago Police Officers as the lead on all disturbance calls at the airports and in aircrafts, was rescinding the existing

directive, and further stating that Chicago Police Officers, not APOs, would respond to disturbance-related incidents on aircrafts.

75. The City's July 12, 2017 News Release also stated that the city would update the APO procedures manual, and that changes to the APO uniform, insignia, and vehicle markings would be made.

76. While the City of Chicago and the State of Illinois can, at the stroke of a pen, change Plaintiffs' titles and statuses to suit their political needs, they cannot alter history and they cannot deprive Plaintiffs of the rights and privileges guaranteed unto them by virtue of their time served as bona fide law enforcement officers. Yet that is exactly what Defendants have attempted to do. Their conduct is arbitrary and capricious and violates fundamental tenets of due process.

77. This civil action is necessary to right those wrongs and to achieve the relief to which Plaintiffs are entitled as a matter of law and equity.

COUNT I
(Violation of the Fifth Amendment and 42 U.S.C. § 1983)

78. Plaintiffs restate and reallege the allegations in paragraphs 1 through 77, above.

79. Plaintiffs' takings claim is founded on the Fifth Amendment to the United States Constitution, which provides in pertinent part, that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

80. Plaintiffs have a property right in their work history, in some cases spanning 30 years, as LEOs working for a recognized LEA.

81. Plaintiffs are entitled to represent that they have dutifully served as LEOs for the CDA, which until Defendants' actions, was a recognized LEA.

82. Plaintiffs years of service as LEO's, like most peoples' resumes and career histories, offered them opportunities to transfer laterally to other departments, receive higher wages at new positions, work part-time for other LEAs, carry a firearm in any jurisdiction of the United States without compliance with state or local conceal carry laws; carry a firearm while off-duty in Illinois, seek benefits for themselves and family members only available to LEOs or former LEOs, seek positions with the military (guard or active-duty) or quasi-military organizations not available to non-LEOs, and a host of other benefits and opportunities.

83. Defendants, their employees and agents, owed Plaintiffs a duty under the due process clause of the Fifth Amendment to the United States Constitution to protect and preserve the property of the Plaintiffs, specifically the work history and years of service the Plaintiffs had each compiled as LEOs.

84. Despite this clear duty, Defendants provided Plaintiffs with no notice that Defendants were considering completely erasing Plaintiffs' years of service as LEOs, and did not act to preserve the careers, or provide any process for appeal or hearing.

85. ILETSB and Fischer, unilaterally, after sending two one-page letters to the City of Chicago, the first allegedly sent before the United Flight 3411 incident, and the second two months later after no response from the City was received,

decertified the CDA as an LEA, separated the Plaintiffs from the roster of the CDA, and summarily erased Plaintiffs' years of service as LEOs.

86. As ILETSB and Fischer stated:

By way of administration, officers who received their training and certification will remain certified officers; however, time served as an employee of this entity will not qualify towards any law enforcement benefits or credentials as maintained by the Board. Because no date of reorganization could be identified, and to protect the interests of the employees at issue, the Board will deactivate the CDA and administratively separate the individuals on the subject roster as of July 1, 2017.

(Exhibit B.)

87. In essence, the Plaintiffs lost their LEO status, and had their resumes and in some cases, livelihoods, completely wiped out, without even knowing that such action was being considered.

88. Just as the Defendants made Plaintiffs police officers when it was politically expedient to do so in 2001 following the September 11 terror attacks, Defendants erased Plaintiffs' work histories in 2017, when the Defendants were under pressure to defend or acknowledge the actions of a few individuals who acted in a manner that cast Defendants in a negative light.

89. Defendants did not just wipe out the LEO work histories of three individuals involved in the United Flight 3411 incident, they wiped out the LEO history of the nearly 300 officers working full-time for CDA protecting Chicago's airports, as well as those retired officers who have attested to their LEO status and received retirement benefits as a result of their now "vacated" work histories.

90. The actions of Defendants were impulsive, willful and executed completely without consideration for the devastating impact they would have.

91. Defendants have seized and destroyed the personal property of the Plaintiffs without due process, lawful justification, or just compensation.

92. As a direct and proximate consequence of the act of Defendants' agents and employees, Plaintiffs have suffered and continue to suffer loss of their personal property and are entitled to compensatory damages, their costs and expenses, attorneys' fees, and all other relief permitted by the Constitution, statute, or as the Court may prescribe.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as follows:

- (1) in favor of Plaintiffs and against Defendants on all claims;
- (2) awarding Plaintiffs actual and compensatory damages for the injuries they have suffered as a consequence of Defendants' unlawful conduct;
- (3) declaring that Plaintiffs' time served as law enforcement officers has remained and shall remain intact in the official records of the ILETSB;
- (4) awarding Plaintiffs their attorneys' fees and costs associated with the filing and prosecution of this action; and
- (5) and for any other relief the Court deems just and equitable.

COUNT II
(Violation of the Fourteenth Amendment and 42 U.S.C. § 1983)

93. Plaintiffs restate and reallege the allegations in paragraphs 1 through 77, above.

94. The Fourteenth Amendment to the United States Constitution, states, “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

95. Plaintiffs have a property right in their work history, in some cases spanning 30 years, as LEOs working for a recognized LEA.

96. Plaintiffs have dutifully served, and are entitled to represent that they have dutifully served, as LEOs for the CDA, which until Defendants’ actions, was a recognized LEA.

97. Plaintiffs years of service as LEOs offered them opportunities to transfer laterally to other law enforcement departments in other jurisdictions, receive higher wages at new positions, work part-time for other LEAs, carry a firearm in any jurisdiction of the United States without compliance with state or local conceal carry laws; carry a firearm while off-duty in Illinois, seek benefits for themselves and family members only available to LEOs or former LEOs, seek positions with the military (guard or active-duty) or quasi-military organizations not available to non-LEOs, and a host of other benefits and opportunities.

98. Defendants, their employees and agents, owed Plaintiffs a duty under the due process clause of the Fourteenth Amendment to the United States Constitution to protect and preserve the property of the Plaintiffs, and not to encumber or usurp the same without due process of law.

99. Despite this clear duty, Defendants provided Plaintiffs with no notice that Defendants were considering completely erasing Plaintiffs' years of service as LEOs, did not act to preserve the careers, or provide any process for appeal or hearing.

100. ILETSB and Fischer, unilaterally, after sending a single one-page letter to the City of Chicago, allegedly sent before the United Flight 3411 incident, decertified the CDA as an LEA, separated Plaintiffs from the roster of the CDA, and erased Plaintiffs' years of service as LEOs.

101. As ILETSB and Fischer stated:

By way of administration, officers who received their training and certification will remain certified officers; however, time served as an employee of this entity will not qualify towards any law enforcement benefits or credentials as maintained by the Board. Because no date of reorganization could be identified, and to protect the interests of the employees at issue, the Board will deactivate the CDA and administratively separate the individuals on the subject roster as of July 1, 2017.

(Exhibit B.)

102. In essence, Plaintiffs lost their LEO status, and had their resumes and in some cases, livelihoods, completely wiped out, without even knowing that such action was being considered.

103. Just as the Defendants made Plaintiffs police officers when it was politically expedient to do so in 2001 following the terror attacks of September 11, Defendants erased Plaintiffs' work histories in 2017, when the Defendants were under pressure to defend or acknowledge the actions of a few individuals who acted in a manner that cast Defendants in a negative light.

104. Defendants did not just wipe out the LEO work histories of the three individuals involved in the United Flight 3411 incident, they wiped out the LEO history of the approximate 300 officers working full-time for CDA protecting Chicago's airports, as well as those retired officers who have attested to their LEO status and received retirement benefits as a result of their now "vacated" work histories.

105. The actions of Defendants were impulsive, willful and executed completely without consideration for the devastating impact they would have. Defendants' actions were arbitrary and capricious.

106. Defendants have seized and destroyed the personal property of the Plaintiffs without due process, lawful justification, or just compensation.

107. As a direct and proximate consequence of the act of Defendants' agents and employees, Plaintiffs have suffered and continue to suffer loss of their personal property and are entitled to compensatory damages, their costs and expenses, attorneys' fees, and all other relief permitted by statute or as the Court may prescribe.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as follows:

- (1) in favor of Plaintiffs and against Defendants on all claims;
- (2) awarding Plaintiffs actual and compensatory damages for the injuries they have suffered as a consequence of Defendants' unlawful conduct;
- (3) declaring that Plaintiffs' time served as law enforcement officers has remained and shall remain intact in the official records of the ILETSB;
- (4) awarding Plaintiffs their attorneys' fees and costs associated with the filing and prosecution of this action; and

- (5) and for any other relief the Court deems just and equitable.

COUNT III
(Fraudulent Inducement)

108. Plaintiffs restate and reallege the allegations in paragraphs 1 through 77, above.

109. The City of Chicago has represented to Plaintiffs since 1993 that they were LEOs, in the manuals officers are required to attest they received, on every patch, badge, document, insignia and other outward representation of the department and Plaintiffs' job status.

110. Specifically, the City of Chicago, provided Plaintiffs the following upon hiring:

Aviation Special Police Officers will be state certified law enforcement officers. They will be commissioned by the Superintendent of Police of the City of Chicago Police Department as Special Police Officers and will have the authority to make arrests while enforcing state laws and City of Chicago ordinances as specified by the Managing Deputy Commissioner, Security, while on Department of Aviation property. They will not interfere in any police department investigation; however, they will respond to incidents and summon police whenever the need arises. They will effectively and unobtrusively interact with police during these incidents. Every Special Police Officer will conform to and be subject to all the rules and regulations governing Police Officers of the City of Chicago, and to such additional rules and regulations as the Superintendent of Police may make concerning Special Police. **Special Police will possess all the powers of the regular police patrol at the places for which they are respectively appointed or in the line of duty for which they are engaged.** (Municipal Code of Chicago, 4-340.)

111. The City of Chicago now claims that every representation it made to Plaintiffs in the preceding paragraph, among others stated and implied as referenced above, is false.

112. Plaintiffs have each relied on the City of Chicago's representations they were police and LEOs and recertified with the ILETSB and other necessary agencies every year since becoming officers.

113. Plaintiffs have each taken and kept their jobs with the City of Chicago based on the representation that they were police and LEOs.

114. Many of Plaintiffs have now, as a result of their age, become ineligible to apply to accredited police training academies or other LEAs.

115. Plaintiffs would not have taken the positions with CDA if they had been informed that they were not police or LEOs, but instead, just "unarmed, unsworn security."

116. Plaintiffs were justified in relying on the City of Chicago's misrepresentations.

117. Plaintiffs have each been harmed as a result of their justified reliance on Defendants' fraud, in an amount equal to the earning potential their years of service would have generated at another LEA, other compensatory damages, their costs and expenses, attorneys' fees, and any and all further relief the Court deems fair and just.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as follows:

- (1) in favor of Plaintiffs and against Defendants on all claims;
- (2) awarding Plaintiffs actual and compensatory damages for the injuries they have suffered as a consequence of Defendants' unlawful conduct;
- (3) declaring that Plaintiffs' time served as law enforcement officers has remained and shall remain intact in the official records of the ILETSB;
- (4) awarding Plaintiffs their attorneys' fees and costs associated with the filing and prosecution of this action; and
- (5) and for any other relief the Court deems just and equitable.

COUNT IV
(Promissory Estoppel)

118. Plaintiffs restate and reallege the allegations in paragraphs 1 through 77, above.

119. Plaintiffs were employees of Defendant, City of Chicago and were dependent upon ILETSB for certification of both themselves as LEOs and for ILETSB to certify CDA as an LEA.

120. Defendants each represented to Plaintiffs that Plaintiffs were LEOs and that CDA was an LEA.

121. Plaintiffs relied on the City of Chicago to uphold its representations that it would make Plaintiffs police officers and that ILETSB would designate Plaintiffs LEO and CDA an LEA.

122. Plaintiffs have served CDA for decades operating under the repeated representations by Defendants that Plaintiffs were LEOs.

123. Plaintiffs have given up critical years of their employment work-life serving as employees of CDA based on the representation they were LEOs with all the rights and benefits such a designation carries with it.

124. Defendants have now eviscerated Plaintiffs' careers and work histories and erased any record or designation that Plaintiffs have been serving as LEOs over their careers, without notice, hearing or appeal.

125. It would be unconscionable to allow Defendants to wreak such havoc on the lives of Plaintiffs and their families as a result of political expedience that was utterly arbitrary and capricious.

126. Plaintiffs should be made whole and awarded the lost earnings they would have received and benefits conferred if they had been able to maintain their LEO status.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as follows:

- (1) in favor of Plaintiffs and against Defendants on all claims;
- (2) awarding Plaintiffs actual and compensatory damages for the injuries they have suffered as a consequence of Defendants' unlawful conduct;
- (3) declaring that Plaintiffs' time served as law enforcement officers has remained and shall remain intact in the official records of the ILETSB;
- (4) awarding Plaintiffs their attorneys' fees and costs associated with the filing and prosecution of this action; and
- (5) and for any other relief the Court deems just and equitable.

JURY DEMAND

Pursuant to and in accordance with Rule 38, Plaintiffs demand a trial by jury on all matters to which they are entitled a trial by jury as declared by the Seventh Amendment to the United States or Illinois Constitution, as provided for by state or federal statute, or as provided for by state or federal common law.

Dated: April 11, 2018

KEIA YATES, LEONARDO RODRIGUEZ,
and JOHNNY JIMMERSON

By: _____ s/ Robert D. Sweeney
Robert D. Sweeney
John J. Scharkey
SWEENEY & SCHARKEY LLC
111 West Washington Street
Burnham Center, Suite 1160
Chicago, Illinois 60602-2734
(312) 384-1200

Counsel for Plaintiffs

EXHIBIT A

April 5, 2017

Ms. Joan Coogan
First Deputy Chief of Staff
City of Chicago
Chicago, IL 60602

Re: Aviation Officers

Dear Ms. Coogan:

In the early 1990s, the ILETSB was advised that the Chicago Department of Aviation Security Officers were employees of the City of Chicago, duly authorized to make arrests, trained and certified in the same manner as Chicago Police Officers and under the appointment of the CPD Superintendent as “special police” officers. For those reasons, such employees were deemed “law enforcement officers” employed within a special division of the Chicago Police Department.

Nevertheless, the Board has come to learn of several disparities that distinguish Aviation Security Officers from rank and file CPS law enforcement officers. Primarily, they are not authorized to carry firearms while on, or off, duty. Furthermore, decisions of the Illinois Public Labor Relations Board continuously determined that these employees are not law enforcement officers. Finally, they do not participate in the same pension and benefits programs as CPS officers.

Within the IPLRB decisions, we discovered that the chain of command for Aviation Security Officers can be traced up from field officers to lieutenants, to sergeants, and ultimately to the Chairman of the Department of Aviation. Yet, at no point is the Superintendent involved in their direction or command. Therefore, we cannot trace law enforcement authority from the Illinois Statutes to these particular employees, in the manner that we can for CPD officers, and we can no longer find them be law enforcement officers.

At this time, we respectfully ask the City to define the moment when these employees were pulled from the jurisdiction of the Superintendent and placed wholly under the direction of the Department of Aviation – this will allow us to determine when aviation employees ceased serving as “law enforcement officers” under the Police Training Act. This has become relevant as the Board must regularly verify the status of retired law enforcement officers who are eligible for certain firearm privileges under the federal Law Enforcement Officers Safety Act after serving as a law enforcement officer for ten years.

We look forward to your prompt response and would be happy to discuss this matter at your convenience.

Sincerely

Cora Beem,

Manager of Mandated Training

CC: Ms. Victoria Watkins

EXHIBIT B

June 15, 2017

Ms. Joan Coogan
First Deputy Chief of Staff
City of Chicago
Chicago, IL 60602

Re: Aviation Officers

Dar Ms. Coogan:

In April, our office reached out to you with certain inquiries concerning the status of the Department of Aviation's Security Officers. To date, we have received no response and must therefore conclude that the pertinent date identifying when these employees were reorganized and no longer under the control and direction of the Chicago Police Superintended is not known.

With this - and in accordance with recent published statements from the Department referring to these employees as "nonsworn, nonarmed security personnel" - we must conclude that they are not "law enforcement officers" as defined by the Police Training Act. It is our understanding that these individuals are not carrying firearms and not making arrests, therefore, our conclusion should not affect their duties and operations. However, this does preclude new hires from attending an approved law enforcement academy. Please be advised that the Director of the Chicago Police Academy will be informed of our decision.

By way of administration, officers who received their training and certification as employees of the CDA will remain certified officers; however, time served as an employee of this entity will not qualify towards any law enforcement benefits or credentials as maintained by the Board. Because no date of reorganization could be identified, and to protect the interests of the employees at issue, the Board will deactivate the CDA and administratively separate the individuals on the subject roster as of July 1, 2017.

Should you have any additional comments or information that warrants consideration before the Board takes these steps please bring them to our attention as soon as possible.

Sincerely,

Brent Fischer

Executive Director

CC: Ginger Evans
Department of Aviation Commissioner

EXHIBIT C



DEPARTMENT OF LAW
CITY OF CHICAGO

June 20, 2017

Mr. Brent Fisher, Executive Director
Illinois Law Enforcement Training and Standards Board
4500 South 6th Street, Room 173
Springfield, IL 62703

RE: Aviation Officers

Dear Mr. Fisher:

This is in response to your recent letter to Ms. Joan Coogan, dated June 15, 2017, regarding the status of City of Chicago Department of Aviation Security Officers. My office did respond to an earlier inquiry received from Ms. Cora Beem, Manager of Mandated Training for the ILETSB, by correspondence to Ms. Beem dated May 19, 2017. I have included a copy of our response together with this letter for your information. It is apparent that you did not previously receive a copy of our response, and I apologize for this inconvenience.

As you will note from our previous letter, the City's Aviation Security Officers do not receive any certification or appointment from the Chicago Police Superintendent, are under the supervision and direction of the Commissioner of the Department of Aviation rather than the CPD Superintendent, and serve an unarmed security function at the City's airports. Moreover, they are neither police officers nor special police officers under applicable Chicago Municipal law.

The notification set forth in your letter of June 15 is appreciated. Should you have any further questions or require further information regarding this matter, please feel free to contact my office directly.

Very truly yours,

Joseph P. Martinico
City of Chicago, Department of Law
30 North LaSalle Street, Suite 1040
Chicago, IL 60602
Joseph.martinico@cityofchicago.org

CC: Ms. Joan Coogan
Ms. Ginger Evans, Commissioner Department of Aviation
Ms. Victoria Watkins

EXHIBIT D



Illinois Law Enforcement Training and Standards Board

Bruce Rauner, Governor
Brent Fischer, Executive Director

Phone: 217/782-4540
Fax: 217/524-5350
TDD: 866-740-3933

June 29, 2017

Mr. Joseph P. Martinico
Department of Law
30 North LaSalle Street
Suite 1040
Chicago, IL 60602

Re: Aviation Officers

Dear Mr. Martinico:

Thank you for your response dated June 20, 2017 regarding the status of the City of Chicago Department of Aviation Security Officers.

Based upon your response that these ASOs perform an unarmed security function and they are neither police officers nor special police officers under applicable Chicago Municipal law, the Board will deactivate the City of Chicago Department of Aviation as a law enforcement agency and administratively separate all personnel currently listed on that roster effective upon the close of 06-30-2017.

As soon as possible, the respective authorities should inform all employees of this agency that they are not law enforcement officers under the Police Training Act and have no authority as such to make arrests or carry firearms. Any individual who completed a basic law enforcement academy and passed the state certification exam shall be reflected as a certified officer within the Board's records; however, time employed by the CDA shall not be credited as "law enforcement" employment in any capacity, including, but not limited to, subsequent employment and participation in the Illinois Retired Officer Concealed Carry program.

With this letter, we believe that all matters of inquiry are concluded and will close our file. Should any events or official actions change the status of these employees, please bring it to our immediate attention.

Sincerely,

Cora Beem
Manager of Mandated Training

CC: Ms. Joan Coogan
Ms. Ginger Evans
Ms. Victoria Watkins
D.C. Keith Calloway