

## THE LAWSUIT TO END CHICAGO'S GANG DATABASE

The Chicagoans for an End to the Gang Database, a coalition of individuals and community organizations announced a federal class action against the City of Chicago and Chicago Police Department (CPD), targeting CPD's unconstitutional Gang Database.<sup>1</sup>

- The suit was filed on behalf of four individual plaintiffs. Each plaintiff was falsely identified as a gang member and has since been subjected to irreparable harm and harassment because of the wrongful designation. The community-based organizations joining the lawsuit include: Black Youth Project 100- Chicago, Blocks Together, Brighton Park Neighborhood Council, Latino Union, Mijente, Centro de Trabajadores Unidos-Immigrant Worker's Project, and Organized Communities Against Deportations.
- The lawsuit notes that CPD has not developed any consistent guidelines on inclusion in the Gang database, such as information on an individual's criminal conduct or active gang activity. Instead, CPD officers have unlimited discretion to add names to the list.
- The CPD confirmed that, as of May 2018, the Gang Database lists more than 128,000 adults.<sup>2</sup> A report from the University of Illinois at Chicago (UIC) Policing in Chicago Research Group estimates that the total number is closer to 195,000. Of those, 95% are Black or Latinx.<sup>3</sup>
- A report released by the Chicago Tribune estimated that nearly 33,000 juveniles were labeled with gang affiliation by CPD over a period of 20 years. Official records showed children as young as 10 years old were listed in the gang database.<sup>4</sup>

**The lawsuit makes the demands from community organizations and individuals requesting that the Court enter an order requiring that the City of Chicago and CPD implement the following changes:**

1. **Criteria for entry into Gang Database.** An individual may only be designated a gang member upon a sworn declaration from two or more detectives setting forth the basis the detectives believe that there is proof beyond a reasonable doubt that the individual is a gang member. All entries into the database must be approved by the Superintendent and by CPD general counsel. CPD may not designate any person a gang member based solely on the following: Race/ethnicity/country of origin/immigration status, Law enforcement action occurring in alleged "gang territory," Attire, Tattoos, Residence, Relations and/or known associates, Type of conviction, School/school location, Surveillance of social media, A statement that an individual "self-reported" gang membership, unless admission of gang membership was provided under penalty of perjury and with the advice of counsel.
2. **Notice of Gang Designation.** CPD will provide written notice to every individual who is currently or who has within the last 20 years been designated a gang member in one or more of CPD's databases. The notice will state the following: 1) the date the individual was designated a gang member; 2) the gang(s) with which the individual is alleged to be have been affiliated; 3) the basis for the designation; 4) the name of the officer(s) who made the initial designation; 5) any external agencies that have access to that designation, and the dates on which any external

---

<sup>1</sup> <https://drive.google.com/file/d/1R-XOJaBqegZew0thuzSqMb8GJytt1fgc/view>

<sup>2</sup> <https://www.propublica.org/article/politic-il-insider-chicago-gang-database>

<sup>3</sup> [http://erasethe database.com/wp-content/uploads/2018/07/Expansive-and-Focused-Surveillance-June-2018\\_final.pdf](http://erasethe database.com/wp-content/uploads/2018/07/Expansive-and-Focused-Surveillance-June-2018_final.pdf)

<sup>4</sup> <http://www.chicagotribune.com/news/local/breaking/ct-met-chicago-police-gang-database-juveniles-20180725-story.html>

agency accessed that designation; and 6) the most recent date of any audit or assessment of the accuracy of that designation. On a quarterly basis, CPD will provide written notice containing the same information to every individual who has been designated as gang affiliated and remains in a CPD database.

3. **Opportunity to contest Gang Designation.** Any person who contests their designation as a gang member shall have the right to an administrative hearing presided over by neutral, non-law enforcement affiliated fact finder for the purposes of determining whether CPD can prove, beyond a reasonable doubt, that the individual is a gang member. If CPD cannot meet its burden, the individuals shall be stricken from the database and provided with documentation certifying that CPD lacked sufficient evidence to impose the Gang Designation.
4. **Data Sharing.** CPD is prohibited from providing gang designations to any third-party entity. On a quarterly basis CPD will publish data about the individuals designated as gang affiliated, disaggregated by: Race/ethnicity; Gender; Age; Alleged gang affiliation(s); Basis for identifying alleged affiliation(s); Location of police interaction that lead to designation(s); Date of first designation and; Number of arrests for serious or violent crime.