

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

Coalition for Safe Chicago Communities,)	
Robin Hood, Louvenia Hood,)	
Michael Pfleger, Annette Nance-Holt,)	
and Pamela Montgomery-Bosley,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Village of Riverdale, Village of Lyons, and)	
Village of Lincolnwood,)	Jury Demanded
)	
Defendants.)	

COMPLAINT

Introduction

1. Plaintiff Coalition for Safe Chicago Communities and the individual plaintiffs Reverend Robin Hood, Father Michael Pfleger, Louvenia Hood, Annette Nance-Holt and Pamela Montgomery-Bosley, who are members of the Coalition and residents of the Chicago neighborhoods most afflicted by illegal gun use bring this action under the Illinois Civil Rights Act of 2003 (ICRA) against the defendant local governments for allowing gun shops in their respective jurisdictions to sell guns in a manner that disproportionately jeopardizes the lives of African Americans, causes mental anguish and distress and diminishes the value of their homes and other property. Section 5 of the ICRA prohibits local units of government from using “criteria or methods of administration” that have “the effect of subjecting individuals to discrimination because of that person’s race.” 740 ILCS 23/5. In violation of Section 5(a)(2) of the ICRA, the defendants Riverdale, Lyons and Lincolnwood have lax or insufficient “methods of administration” in licensing or regulating gun dealers, and they fail to use the kind of recommended by the City of Chicago, so as to ensure that guns purchased at stores in their

jurisdictions do not end in possession of illegal users and minors and gang members. The failure to use the most effective “criteria or methods of administration” has a disparate and terrible impact on African Americans who live in neighborhoods afflicted by such illegal gun use and who are in reasonable apprehension of their safety. It also increases the economic and racial isolation of these neighborhoods. Plaintiffs seek an order to require Riverdale, Lyons and Lincolnwood to use the kind of methods recommended by the City of Chicago in its May 27, 2014 report, “Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago,” and to engage in greater on-site monitoring of the sale of guns in the stores in their jurisdictions.

Parties

2. Plaintiff Coalition for Safe Communities in Chicago is an organization of citizens living in Chicago, Illinois and its members include citizens living in largely African American neighborhoods afflicted by violence from guns purchased in the jurisdictions of the three defendants.

3. Plaintiff Reverend Robin Hood is a citizen living on the West Side of Chicago, which is afflicted by violence from guns purchased or obtained in the jurisdictions of the defendants.

4. Plaintiff Louvenia Hood is a citizen living on the West Side of Chicago, which is afflicted by violence from guns purchased or obtained in the jurisdictions of the defendants.

5. Plaintiff Father Michael Pflieger is a citizen living on the South Side of Chicago, which is afflicted by violence from guns purchased or obtained in the jurisdictions of the defendants.

6. Plaintiff Annette Nance-Holt is a citizen living on the South Side of Chicago, which is afflicted by violence from guns purchased or obtained in the jurisdictions of the defendants.

7. Plaintiff Pamela Montgomery-Bosley is a citizen living on the South Side of Chicago, which is afflicted by violence from guns purchased or obtained in the jurisdictions of the defendants.

8. Defendant Riverdale is a municipal corporation in Cook County, Illinois.

9. Defendant Lyons is a municipal corporation in Cook County, Illinois.

10. Defendant Lincolnwood is a municipal corporation in Cook County, Illinois.

Facts

11. On May 27, 2014, the City of Chicago published a study, "Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago." A copy of the report is attached as Exhibit A and incorporated by reference as part of this pleading. It will be hereafter referred to as "City of Chicago Report."

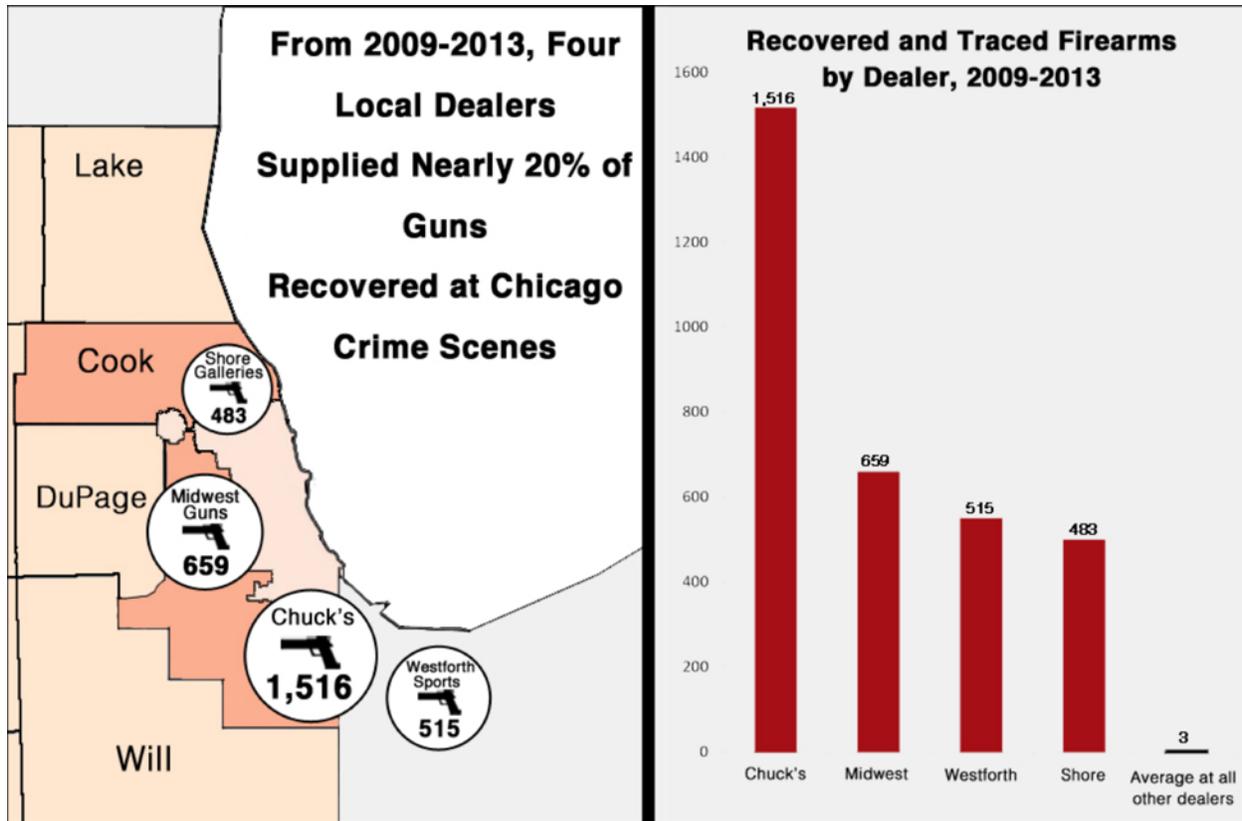
12. The City of Chicago Report relies on data and technical assistance from the University of Chicago Crime Labs.

13. As set forth in the City of Chicago Report, many of the illegal guns recovered in the neighborhoods in which plaintiffs and members of the plaintiff organization live come from three gun stores in Cook County.

14. The three gun shops are Chuck's Gun Shop, which is licensed by defendant Riverdale; Midwest Guns, which is licensed by defendant Lyons, and Shore Galleries, which is licensed by defendant Lincolnwood.

15. Along with Westforth Sports licensed by the defendant City of Gary, Indiana, these stores provided nearly 20 percent of the guns recovered in Chicago crime scenes.

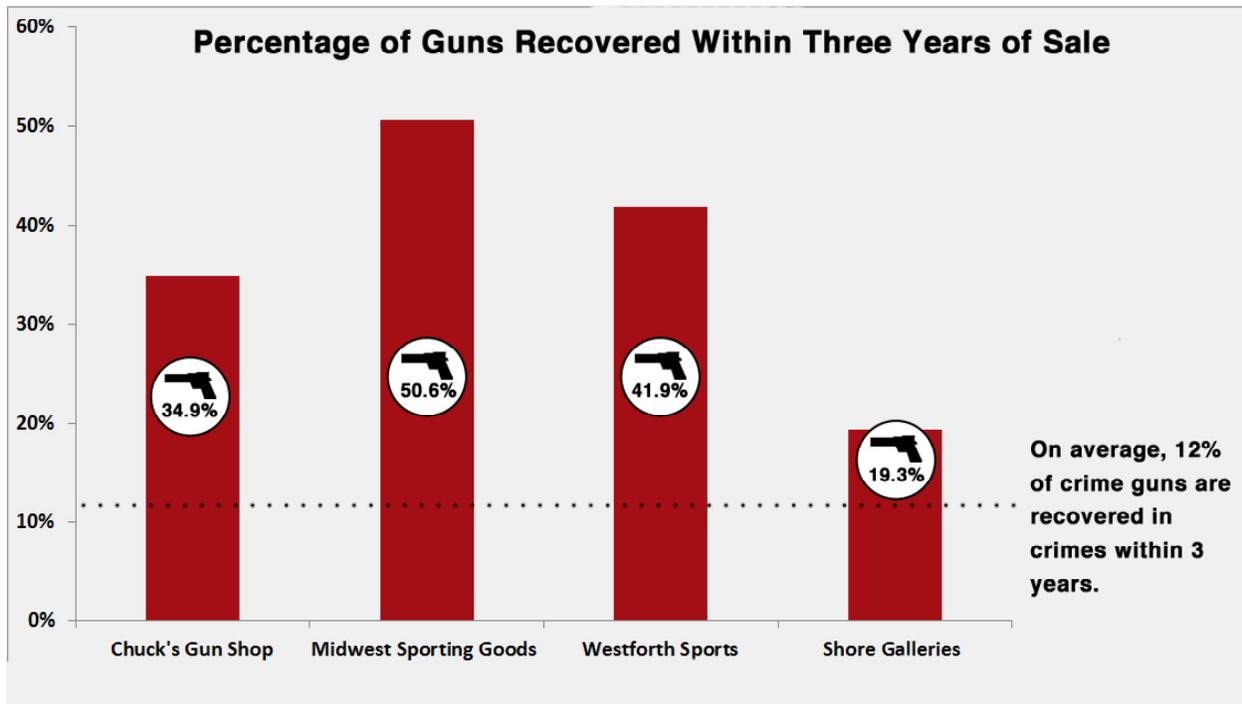
16. From 2009 to 2013 the number of guns sold by these shops and recovered from Chicago crime scenes are set forth as follows in Figure D of the City of Chicago Report:



17. By contrast - according to the City of Chicago Report - the number of guns recovered from all other gun stores in Illinois was a total of just three.

18. Furthermore, a large number of these guns from these four stores were recovered within three years from the date of sale.

19. While on average 12 percent of crime guns are recovered within three years of sale, the percentages of guns sold by Chuck's, Midwest, Westforth and Shore Galleries and recovered at crime scenes *and* recovered within three years are significantly higher and are as follows, as set out in Figure E of the City of Chicago Report:



20. According to the City of Chicago Report, most of these guns as set forth in the above paragraph were diverted to illegal traffickers either through straw purchasers, theft, or other secondary transfers.

21. The villages of Lincolnwood, Lyons, and Riverdale do not have the kind of comprehensive ordinances recommended by the City of Chicago Report and adopted by the City of Chicago to curtail the flow of illegal guns to traffickers for use in the neighborhoods in which the individual plaintiffs and members of the plaintiff organization live.

22. Unlike California or New York, Illinois does not license and regulate gun dealers operating in the state, but leaves it up to local municipalities like the defendant villages.

23. As set out in the City of Chicago Report, dealers are often willing to follow the letter of the law by conducting background checks and checking a buyer's Firearms Owners' Identification Card (FOID), which is required by the State of Illinois.

24. As set out in the City of Chicago Report, some dealers are willing to look the other way and make sales even when they suspect the buyer is a straw purchaser for illegal users or minors.

25. As set out in the City of Chicago Report, local units of government—with regular compliance inspections and appropriate municipal regulation —can cut down on gun trafficking by requiring dealers in their jurisdictions to take common sense steps to reduce straw purchasing, theft, and other diversion of guns to illegal users.

26. First, as set out in the City of Chicago Report, local units of government can mandate background checks for all gun store employees to make sure such store employees can pass the same background checks as customers before they handle guns behind the counter and sell those guns to customers.

27. No defendant now requires such background checks of store employees by any municipal ordinance or regulation.

28. Second, as set out in the City of Chicago Report, dealers can have safety plans approved by law enforcement officers to deter theft through adequate exterior lighting, surveillance cameras, alarm systems or other measures.

29. No defendant now requires such anti-theft procedures by any municipal ordinance or regulation.

30. Third, as set out in the City of Chicago Report, local units of government can require dealers to train employees and managers to identify common signs of straw purchasing and avoid selling to traffickers to minors and other illegal users.

31. No defendant now requires such training by any municipal ordinance or regulation.

32. Fourth, as set out in the City of Chicago Report, local units of government can require dealers to maintain an alphabetical log of all gun sales where the gun was later recovered in a crime.

33. No defendant now requires dealers to maintain such a log of gun sales as described above by any municipal ordinance or regulation.

34. Furthermore, local units of government can require dealers to decline to deal with customers who have recently purchased one or more guns used in a crime.

35. Fifth, as set forth in the City of Chicago Report, local units of government can require mandatory quarterly or monthly inspections of the store's inventory to help detect theft and trafficking of guns to minors and other illegal users.

36. Federal law restricts the federal Bureau of Alcohol, Tobacco and Firearms (ATF) from conducting more than one inspection a year, but the scale of the problem calls for at least quarterly and even monthly audits for the stores in the jurisdictions of these defendants.

37. No defendant now requires or mandates a quarterly inspection procedure by any municipal ordinance or regulation.

38. Sixth, as set forth in the City of Chicago Report, local units can require video cameras to record the point of sale to discourage traffickers, including buyers who may use false identification.

39. No defendant now requires such video camera recording by any municipal ordinance or regulation.

40. All of the safety measures which these defendants have failed to incorporate into their municipal codes or ordinances have been deemed effective by the City of Chicago and experts at agencies like the Law Center to Prevent Gun Violence and will reduce the flow of illegal guns from dealers licensed by these defendants into the neighborhoods in which the individual plaintiffs and members of the plaintiff organization live.

41. As set forth in the City of Chicago Report, for example, New York City entered a court settlement to assign a monitor to implement these safety measures at twenty dealers that had been the top sources of guns recovered in New York City crimes, and the supply of crime guns from these stores dropped by 85 percent.

42. Finally, the local units of government like defendants should revoke the licenses of dealers that willfully fail to follow these safety measures when required by their ordinances.

43. No defendant now has any such procedure by municipal ordinance or regulation.

Count I
(Violation of Civil Rights Act)

44. Section 5(a)(2) of the Illinois Civil Rights Act states:

No unit of State, country or local government shall:

...

(2) utilize criteria or methods of administration that have the *effect* of subjecting individuals to discrimination because of that person's race.

740 ILCS 23/5 (emphasis added).

45. With respect of gun dealers, Riverdale, Lyons and Lincolnwood have “methods of administration” or licensing that omit or fail to incorporate the safety regulatory measures recommended in the City of Chicago Report.

46. Such safety measures or methods of administration have been proven to reduce the flow of illegal guns to traffickers and would reduce such flow of illegal guns into Chicago from stores like Chuck’s in Riverdale, Midwest Guns in Lyons, and Shore Galleries in Lincolnwood.

47. As set forth in the City of Chicago Report, guns from these stores are recovered in large numbers at Chicago crime scenes and often within three years of sale.

48. The crimes where these guns from these three stores have been recovered have occurred not randomly throughout the City of Chicago but overwhelmingly in parts where African Americans like the individual plaintiffs and members of the plaintiff organization are living.

49. The victims of these crimes in which the guns from these stores are used illegally are overwhelmingly African American.

50. In violation of Section 5 of the Illinois Civil Rights Act failure of the defendant villages to use effective methods of administration—or the continued use of lax methods in licensing their dealers—has a racially disparate and terrible effect on the communities in which plaintiffs and the members of the plaintiff organization live and has the effect of discriminating against plaintiffs because of race.

51. Such failure by defendants to use the kind of methods recommended in the City of Chicago Report has led to increased illegal gun use in these neighborhoods where plaintiffs live.

52. Such increased illegal gun use in turn leads others throughout the African American neighborhoods of Chicago to seek and obtain guns, whether legally or illegally, in response to the guns obtained illegally from the stores in these jurisdictions.

53. As a result, such increased illegal gun use throughout the African American neighborhoods of Chicago contributes to a higher level of disorder or violent crime or both in the parts of the city of Chicago where plaintiffs live.

54. Such increased illegal gun use makes it less desirable to live in such parts of the city of Chicago and in turn makes such neighborhoods more economically and racially isolated.

55. Such increased illegal gun use contributes to migration out of these African American neighborhoods and leads to building vacancies and a decline in the value of real property which plaintiffs own or occupy.

56. Furthermore, such increased illegal gun use increases the anguish and distress both of plaintiffs and other residents of their communities—in particular over the fear that children will obtain these guns.

57. Accordingly, in violation of Section 5(a)(2) of the Illinois Civil Rights Act, the defendant local governments have used methods of administration or lax methods of administration that increase the economic and racial isolation of the parts of the city of Chicago in which plaintiffs live and thereby have the effect if not the intent of discriminating against them because of race.

WHEREFORE, plaintiffs pray this Court to:

- A. Declare that in violation of Section 5(a)(2) of the Illinois Civil Rights Act, and in licensing and regulating gun dealers like Chuck's, Midwest, and Shore Galleries, the defendants have used methods of administration that either increase,

contribute or otherwise result in harm to plaintiffs and other African Americans in Chicago and stigmatize them and isolate their neighborhoods racially and economically and that accordingly have the effect of discriminating against them because of race;

- B. Issue injunctive relief requiring the defendants to put in place by ordinance or regulation the kind of measures or methods of administration set forth in the City of Chicago Report and that are set forth in the City of Chicago's own municipal code to replace or supersede the current lax methods of administration or licensing of dealers;
- C. Appoint one or more monitors to be paid by defendants to ensure that the kind of methods of administration set forth in the City of Chicago Report and the City of Chicago's own municipal code and described in this complaint are carried out by defendants; and
- D. Grant plaintiffs their legal fees under Section 5 of the Civil Rights Act and such other equitable relief against defendants as may be appropriate.

Dated: July 7, 2015

By: s/ Sean Morales-Doyle
One of Plaintiffs' Attorneys

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