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Cook County, IL

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2020CH06403

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Chancery Division Civil Cover Sheet
General Chancery Section

(02/19/20) CCCH 0623

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

CHICAGO JUSTICE PROJECT

Plaintiff

v.

COOK COUNTY STATE'S ATTORNEY'S OFFICE

Defendant

2020CH06403

Case No: _____

CHANCERY DIVISION CIVIL COVER SHEET
GENERAL CHANCERY SECTION

A Chancery Division Civil Cover Sheet - General Chancery Section shall be filed with the initial complaint in all actions filed in the General Chancery Section of Chancery Division. The information contained herein is for administrative purposes only. Please check the box in front of the appropriate category which best characterizes your action being filed.

Only one (1) case type may be checked with this cover sheet.

- 0005 Administrative Review
- 0001 Class Action
- 0002 Declaratory Judgment
- 0004 Injunction

- 0017 Mandamus
- 0018 Ne Exeat
- 0019 Partition
- 0020 Quiet Title
- 0021 Quo Warranto
- 0022 Redemption Rights
- 0023 Reformation of a Contract
- 0024 Rescission of a Contract
- 0025 Specific Performance
- 0026 Trust Construction
- 0050 Internet Take Down Action (Compromising Images)
- Other (specify) _____

- 0007 General Chancery
- 0010 Accounting
- 0011 Arbitration
- 0012 Certiorari
- 0013 Dissolution of Corporation
- 0014 Dissolution of Partnership
- 0015 Equitable Lien
- 0016 Interpleader

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Email: paul.steadman@dlapiper.com

FILED DATE: 10/22/2020 9:44 AM 2020CH06403

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

CHICAGO JUSTICE PROJECT,)
)
Plaintiff,)
v.) 2020CH06403
)
COOK COUNTY STATE'S)
ATTORNEY'S OFFICE,)
)
Defendant.)

COMPLAINT

PLAINTIFF, the Chicago Justice Project (“Chicago Justice” or “Plaintiff”), by and through its undersigned counsel, brings this Complaint against Defendant the Cook County State’s Attorney’s Office (the “State’s Attorney’s Office,” “SAO,” “the Office,” or “Defendant” as context requires).

This is an action under the Illinois Freedom of Information Act (“FOIA”) to force the State’s Attorney’s Office to divulge and fully disclose non-confidential public records requested by Chicago Justice. Despite repeated public commitments and claims of “transparency,” the Cook County State’s Attorney’s Office has repeatedly stonewalled Chicago Justice’s legitimate and legal requests for public data about the Office’s operations, actions and results. The Office settled a prior FOIA case between the Parties, promising both to produce requested data and to periodically supplement that data upon request. *Chicago Justice Project v. Cook County State's Attorney's Office*, Case No. 15 CH 18147 (2018). But the Office has now breached that Agreement as well, claiming that the chief law enforcement agency in Chicago has no obligations to Chicago Justice whatsoever despite having made promises to Chicago Justice to settle a lawsuit.

Plaintiff Chicago Justice provided an early draft copy of this Complaint to the State’s Attorney’s Office and spent months negotiating with the State’s Attorney’s Office in an attempt to reach an amicable resolution, but the Office still has not complied with its legal obligations, nor provided the requested data. Chicago Justice was thus forced to file this Complaint to enforce its legal rights under FOIA. In support of its Complaint, Plaintiff Chicago Justice respectfully avers and alleges as follows:

INTRODUCTION

1. This is a complaint for the production of public records under the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 140/1 et seq., and for breach of contract related to the State’s Attorney’s Office’s intentional and repeated failure to comply with a 2018 Agreement to settle a prior FOIA lawsuit between the Parties.

2. In violation of FOIA and the prior binding Settlement Agreement between the parties, the State’s Attorney’s Office refuses to produce specific public records requested by Chicago Justice.

THE STATE’S ATTORNEY’S OFFICE’S HISTORY OF STONEWALLING VALID AND LAWFUL REQUESTS FOR DATA, AND EMPTY PUBLIC PROMISES OF TRANSPARENCY AND DATA PRODUCTION

3. The Cook County State’s Attorney’s Office has a long history of failing to release data, leading to a lack of public transparency and a lack of accountability. The Office readily admits to this historical lack of transparency and accountability.

4. The Office has historically done an inadequate job releasing even simple resources for the public it serves to understand its work and hold it accountable. That must change.¹

¹ “A COMMITMENT TO TRANSPARENCY,” a statement by Cook County State’s Attorney Kimberly M. Foxx available on the State’s Attorney website, Foxx admits that Kim Foxx, *A COMMITMENT TO TRANSPARENCY*,

5. The Office has had a structure in place for decades that has not ensured accountability.²

6. Lack of openness in the State's Attorney's Office undermines the legitimacy of the criminal justice system. The State's Attorney's Office's work must be grounded in data and evidence, and the public should have access to that information."³

7. Open data is a hallmark of good government.⁴

8. The Office's work must be grounded in data and evidence, and the public should have access to that information.⁵

9. The public of Cook County deserves nothing less than the most open and transparent prosecutor's office in the country.⁶

Statements of the Office on Transparency that the Office has Failed to Uphold

10. In December 2016, at her swearing-in, newly-elected State's Attorney Foxx promised a "sweeping 'New Path' of transparency and community involvement."⁷

11. Ms. Foxx committed to change "the culture" regarding transparency in the prosecutor's office.⁸

12. Ms. Foxx promised to "speak truths that are uncomfortable to talk about" and to "quickly begin sharing data on [the Office's] charging and plea bargaining decisions."⁹

Cook County State's Attorney, downloadable at: <https://www.cookcountystatesattorney.org/about/commitment-transparency> (last visited Jan. 21, 2020) (hereinafter "A COMMITMENT TO TRANSPARENCY").

² Steve Schmadeke, *Kim Foxx Promises 'New Path' of Transparency as Cook County State's Attorney*, Chicago Tribune (Dec. 01, 2016), <https://www.chicagotribune.com/news/breaking/ct-kim-foxx-states-attorney-met-20161201-story.html> (last visited Jan. 21, 2020).

³ *STATE'S ATTORNEY FOXX ANNOUNCES UNPRECEDENTED OPEN DATA RELEASE*, Cook County State's Attorney (Mar. 2, 2018), <https://www.cookcountystatesattorney.org/news/states-attorney-foxx-announces-unprecedented-open-data-release> (last visited Jan. 21, 2020) (emphasis added).

⁴ *Id.*

⁵ See, e.g., A COMMITMENT TO TRANSPARENCY.

⁶ See, e.g., *STATE'S ATTORNEY FOXX ANNOUNCES UNPRECEDENTED OPEN DATA RELEASE*.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

13. On March 18, 2018, Ms. Foxx promised that the Office would “provide[] *unprecedented* access and transparency into the work of a prosecutor’s office.”¹⁰

14. Ms. Foxx also admitted that “I sought this office committed to building the most open and transparent prosecutor’s office in the country . . . The public deserves nothing less.”¹¹

15. On March 18, 2018, Matthew Sanie, Chief Data Officer for the Cook County State’s Attorney’s Office, admitted that “[o]pen data is a hallmark of good government.” *Id.*

16. Ms. Foxx has also admitted that “[t]ransparency is not only our obligation as civil servants, but critical to efficiently and effectively fulfilling our public safety mission: Our work must be grounded in data and evidence, and the public should have access to that information.”¹²

17. Ms. Foxx admitted that “[r]eleasing the *same information we use to make decisions* in ways that *enable members of the public to do their own rigorous analysis* is at the heart of data transparency.”¹³

18. Ms. Foxx admitted that “[d]ata is simply a powerful tool for us to ask better questions and create better outcomes for the individual people and communities we serve.”¹⁴

19. On or about December 20, 2018, speaking on WTTW, Ms. Foxx stated that “[e]verything that we've done in the state's attorney's office or in my tenure – and for the seven years prior to my tenure – is available to the public to see: our charging decisions, who we charge, how we charge, sentencing (and) any disparities with that. So, the level of transparency

¹⁰ *STATE'S ATTORNEY FOXX ANNOUNCES UNPRECEDENTED OPEN DATA RELEASE*, Cook County State’s Attorney (Mar. 2, 2018), <https://www.cookcountystatesattorney.org/news/states-attorney-foxx-announces-unprecedented-open-data-release> (last visited Jan. 21, 2020) (emphasis added).

¹¹ *Id.*

¹² See, e.g., *A COMMITMENT TO TRANSPARENCY*.

¹³ *Id.* (emphasis added).

¹⁴ *Id.*

is unprecedented.”¹⁵ Ms. Foxx went on to say that “I don't think people can trust what you're doing unless you show them what you're doing.”¹⁶

20. In an April 19, 2019 tweet, Ms. Foxx again committed to transparency, stating “I'm committed to the transparency of this office.”¹⁷

The Office refuses Transparency when it comes to Chicago Justice FOIA Requests

21. But, as further detailed below, the State's Attorney's Office continues to avoid FOIA requests, avoid producing comprehensive information to the public, and thereby avoid transparency.

22. In fact, during the Foxx Administration at the State's Attorney's Office, the Office has repeatedly failed or outright refused to provide public data lawfully requested by Chicago Justice; and despite a prior Settlement Agreement to the contrary, the State's Attorney's Office has repeatedly stonewalled and refused to produce public records requested by Chicago Justice.

23. The requested data and records that the Office has refused to produce include at least the following:

- public information on criminal sexual assault cases for the years 2008 and 2009;
- crime-specific data and non-identifier demographic data;
- a list of data tables the State's Attorney's Office maintains or uses to capture, collect, and maintain data in the course of their digital data capturing procedures;
- data fields captured and/or created by the State's Attorney's Office in the felony

¹⁵ Alexandra Silets, *2 Years In, Cook County State's Attorney Kim Foxx Looks Back, Ahead*, WTTW News: Politics (Dec. 20 2018), <https://news.wttw.com/2018/12/20/2-years-cook-county-state-s-attorney-kim-foxx-looks-back-ahead> (last visited Jan. 23, 2020).

¹⁶ *Id.*

¹⁷ Kim Foxx (@SAKimFoxx), Twitter (Apr. 19, 2019, 2:43 PM), <https://twitter.com/SAKimFoxx/status/1119325622717886464> (last visited Jan. 24, 2020).

review process;

- information relating to the FOIA requests the State's Attorney's Office received from the years 2010 through 2014;
- data related to felony prosecutions for the year 2013 for all closed cases; and data maintained in the State's Attorney's Office's Crimes Database for cases submitted for felony review in 2013;
- aggregate totals for a single year of the number of FOIA requests received, denied, and fulfilled;
- the State's Attorney's Office's Crimes Database system Data Dictionary(ies);
- Data Dictionary(ies) for any Case Management System currently being used by or under the control of the State's Attorney's Office for felony prosecutions;
- documents sufficient to explain, detail, or describe the contents of the Crimes Database system including its table and any and all field(s) present in it;
- training or instructional materials for the Crimes Database system which are used to educate or train individuals on how to input, maintain, archive, or upkeep the Crimes Database system;
- training or instructional materials for the Case Management System currently being used for any and all felony prosecution in Cook County;
- documents sufficient to explain, detail, or describe the contents of any Case Management System including their tables and any and all field(s) present and currently being used by or under the control of the State's Attorney's Office for felony prosecutions by the State's Attorney's Office;
- documents sufficient to explain, detail, or describe the contents of the field(s)

present in any Case Management System.

24. To date, despite repeated and polite official requests from Chicago Justice, the State's Attorney's Office's has refused to produce the requested records detailed above, or even to produce the information the Office had agreed to produce to Chicago Justice in a prior Settlement of FOIA litigation pending before this Court.

25. The State's Attorney's Office's ongoing refusal to produce the requested records continues a pattern and practice of ignoring the Office's clear obligations under FOIA. In fact, despite public statements to the contrary, the State's Attorney's Office still lacks critical transparency, and routinely refuses to produce public records without any valid reason or excuse.

26. Thus, with this lawsuit, Chicago Justice seeks, among other things, an injunction and order commanding the State's Attorney's Office to disclose the disputed records and an order awarding Chicago Justice its attorneys' fees.

**THE STATE OF ILLINOIS'S FUNDAMENTAL PUBLIC POLICY OF
FULL AND COMPLETE PRODUCTION OF INFORMATION REGARDING
THE AFFAIRS OF GOVERNMENT IS ENSHRINED IN STATUTE AND
BINDING ON THE COOK COUNTY STATE'S ATTORNEY'S OFFICE**

27. Pursuant to the fundamental philosophy of the American Constitutional form of government, the Illinois General Assembly has declared it to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of FOIA. 5 ILCS 140/1.

28. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the acts, decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all

of the people. *Id.* FOIA exemptions are narrowly applied, in keeping with the legislature's intent that IL FOIA be liberally construed in favor of disclosure. *Sargent Shriver Nat'l Ctr. on Poverty Law, Inc. v. Bd. of Educ. of City of Chicago*, 2018 IL App (1st) 171846, ¶ 20.

29. In Illinois, all records in the custody or possession of a public body are ***presumed to be open to inspection or copying***. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that the record is exempt. *Id.* at 140/1.2.

30. Thus, to deny a FOIA request on the basis of a FOIA exemption, a public body must prove the applicability of the exemption by “clear and convincing evidence.” *Id.* at 140/11(f).

31. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.” *Id.* at 140/11(h).

32. If the court determines that a public body willfully and intentionally failed to comply with FOIA, or otherwise acted in bad faith, the court shall impose upon the public body a civil penalty of not less than \$2,500 and no more than \$5,000 for each occurrence. *Id.* at 140/11(J).

33. This lawsuit is necessary because the State’s Attorney’s Office cannot be permitted to continue to ignore its obligations under FOIA, especially when those obligations are backed by—as in this case—a binding Agreement made between the parties in resolution of prior litigation, which the Office now chooses to disavow or ignore.

34. Chicago Justice, therefore, seeks redress for the State’s Attorney’s Office’s willful

and intentional violation of FOIA and failure to comply with the parties' prior Settlement Agreement.

THE PARTIES

35. Founded in 2007 by Mr. Tracy Siska, Chicago Justice Project is a nonpartisan, Illinois nonprofit research organization, whose mission is to access and analyze data from criminal justice agencies to promote evidence-based reforms that will better serve the justice needs of local communities. Chicago Justice believes that it is vital that communities be able to learn about the actions of the criminal justice agencies working on their behalf.

36. Chicago Justice relies heavily on FOIA to obtain information from government in furtherance of its mission.

37. Chicago Justice's mission is "through targeted advocacy campaigns and innovative data systems, [to] serve Chicago communities by analyzing criminal justice data and empower Chicagoans to implement evidence based reforms." *About Us*, Chicago Justice Project, <https://chicagojustice.org/about/> (last visited Jan. 23, 2020).

38. Chicago Justice's vision is local justice systems, around the country, empowering community members to become co-creators of safety and justice in their communities through data transparency.

39. The Cook County State's Attorney's Office is a public body of the State of Illinois located at 69 W. Washington, Chicago, IL 60602.

40. The Office has more than 700 attorneys and more than 1,100 employees.

41. The Cook County State's Attorney's Office is the second largest prosecutor's office in the United States. The Office is responsible for the prosecution of all misdemeanor and felony crimes committed in Cook County, one of the largest counties in the United States.

42. The Office's duties include: criminal prosecution, legal actions to enforce child

support orders, litigation to protect consumers and the elderly from exploitation, assisting thousands of victims of sexual assault and domestic violence each year, and legal counsel for the government of Cook County.

43. The Office is divided into seven bureaus: Criminal Prosecutions, Juvenile Justice, Narcotics, Special Prosecutions, Civil Actions, Investigations, and Administrative Services.

44. The current Cook County State's Attorney is Kimberly M. Foxx. As such, Ms. Foxx speaks for the Office.

45. The State's Attorney's Office is a "public body" as that term is defined in 5 ILCS 140/2(a). *Nelson v. Kendall County*, 381 Ill. Dec. 484, 10 N.E.3d 893 (Ill. 2014).

**THE PARTIES' PRIOR FOIA LITIGATION IN THIS COURT
AND THE SETTLEMENT AGREEMENT THAT RESOLVED IT**

46. On April 12, 2010, Chicago Justice served on the State's Attorney's Office a request for public information under FOIA seeking public information on criminal sexual assault cases for the years 2008 and 2009. The Office denied Chicago Justice's FOIA request in a letter written by Paul A. Castiglione, Executive Assistant State's Attorney for Policy, stating the request was unduly burdensome under Section 3(g) of FOIA. Alternatively, the State's Attorney's Office asserted that the requested information was exempt from disclosure under Sections 7(1)(a), (c), and (f) of FOIA. Chicago Justice appealed the denial to a Public Access Counselor. On July 19, 2010, the Office of the Attorney General for the State of Illinois issued a letter to the State's Attorney's Office determining the State's Attorney's Office's uses of certain exemptions were inappropriate and denied. In doing so, the Public Access Counselor noted "[t]he information [Chicago Justice] seeks is crime-specific data and non-identifier demographic data." A true and correct copy of the Office of the Attorney General's letter is attached hereto as **EXHIBIT A.**

47. Despite the issuance of the Public Access Counselor Letter, the State's Attorney's Office failed to produce any of the requested information to Chicago Justice, and no further correspondence was received from the State's Attorney's Office regarding that particular FOIA request.

48. On January 19, 2014, Chicago Justice served a FOIA request on the State's Attorney's Office, seeking, among other things, a list of data tables the State's Attorney's Office maintains or uses to capture, collect, and maintain data in the course of its digital data capturing procedures. On January 22, 2014, in another letter written by Mr. Castiglione, the State's Attorney's Office denied Chicago Justice's FOIA request on the sole basis that the State's Attorney's Office is not a "public body" subject to FOIA. Such an argument was subsequently denied by the Illinois Supreme Court in *Nelson v. Kendall County*. 381 Ill. Dec. 484, 10 N.E.3d 893 (Ill. 2014).¹⁸ A true and correct copy of this denial letter is attached hereto as **EXHIBIT B**.

49. Despite the Illinois Supreme Court's explicit determination that the State's Attorney's Office is a "public body" subject to FOIA, the State's Attorney's Office failed to produce any of the requested information to Chicago Justice, and no further correspondence was received from the State's Attorney's Office regarding that FOIA request.

50. Through 2015, Chicago Justice went on to separately serve five additional FOIA requests on the State's Attorney's Office on May 28, 2014, March 23, 2015, May 2, 2015, May 28, 2015, and July 7, 2015. The requests sought public information of the same nature as Chicago Justice's 2010 and January 2014 requests, including but not limited to data fields captured and/or created by the State's Attorney's Office in the felony review process,

¹⁸ In subsequent litigation between Chicago Justice and the Office, the Office failed to contend that it is not a "public body" subject to FOIA, thereby waiving that argument. *See* Docket No. 27, Answer to Amended Complaint, *Chicago Justice Project v. Cook County State's Attorney's Office*, Case No. 15 CH 18147 (2018).

information relating to the FOIA requests the State's Attorney's Office received from the years 2010 through 2014, data related to felony prosecutions for the year 2013 for all closed cases, and data maintained in the State's Attorney's Office's Crimes Database for cases submitted for felony review in 2013. All five of Chicago Justice's additional FOIA requests were denied by the State's Attorney's Office in letters written by Mr. Castiglione for similar reasons to the 2010 and January 2014 denials, including but not limited to the requests being overly burdensome or "more akin to an interrogatory in a civil action than a request for records brought pursuant to FOIA."

51. Even when Chicago Justice limited specific FOIA requests, the State's Attorney's Office was unwilling to cooperate with Chicago Justice or to produce the requested data. For example, when Chicago Justice reduced its May 2, 2015 request for the State's Attorney's Office's FOIA records to a single year, that request was still denied.

52. Chicago Justice asked for aggregate totals for a single year of the number of FOIA requests received, denied, and fulfilled. Chicago Justice did not receive any response from the State's Attorney's Office to this request. A true and correct copy of this request is attached hereto as **EXHIBIT C**.

53. In 2015, Chicago Justice filed a complaint under FOIA against the State's Attorney's Office for its improper denials of Chicago Justice's legal rights to inspect public records. The case was captioned *Chicago Justice Project v. Cook County State's Attorney's Office*, Case No. 15 CH 18147 (2018) ("the Prior Litigation").

54. At the urging of Hon. Peter Flynn, who presided over the Prior Litigation, the parties engaged in extensive and lengthy settlement negotiations in order to reach an amicable resolution that addressed the issues in the Prior Litigation and avoided further dispute between

the parties over the same or similar issues.

55. With the assistance of Jayman Avery, Katherine Hill, and Chloe Rasmus of the State's Attorney's Office, the parties negotiated and reached a Settlement in culminating in January 2018 which resulted in the dismissal of the Prior Litigation without prejudice.

56. In August, 2017, in an effort to settle the Prior Litigation, the State's Attorney's Office provided to Chicago Justice data from the State's Attorney's Office's Crimes Database from the database's creation in 2010 through January 2018 (subject to certain agreed redactions) (the "Data Set") on a hard drive.

57. Due to technical issues relating to the formatting, Chicago Justice was unable to read the Data Set.

58. When Chicago Justice notified the State's Attorney's Office of this error, the State's Attorney's Office agreed that it would take action to ensure Chicago Justice could read the Data Set, as is set forth in the email shown below:

From: JAYMAN AVERY (States Attorney) [<mailto:jayman.avery@cookcountyil.gov>]
Sent: Monday, October 02, 2017 8:22 AM
To: Geller, Michael
Cc: Steadman, Paul; KATHLEEN HILL (States Attorney); DOUGLAS MACLEAN (States Attorney); SISAVANH BAKER (States Attorney)
Subject: Re: CJP v. CCSAO

Michael:

We should arrange a time for you to return the drive to us. We will take a look at it, and if there is a problem, create a new one. Also, we will work with your client and its technical team to resolve this issue so you have retrievable and usable data.

I hope this is helpful.

Jayman A. Avery III
Assistant State's Attorney
50 West Washington Street
Richard J. Daley Center
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Chicago, Illinois 60602
312-603-7780
jayman.avery@cookcountyil.gov

59. In or around January, 2018, the State's Attorney's Office thereafter provided Chicago Justice with the Data Set in a different format, and the parties agreed that it would take

at least a few months for Chicago Justice to organize, sort, and read said data.

60. Instead of request an indefinite stay of the Prior Litigation, or waste judicial resources by keeping the litigation on the court's docket, the parties reached an oral Settlement Agreement in which the State's Attorney's Office: (1) provided Chicago Justice with a hard drive containing data from the State's Attorney's Office's Crimes Database from the database's creation in 2010 through January 2018 (subject to certain agreed redactions) (the "Data Set"); and (2) agreed to provide updates to the Data Set as reasonably requested by Chicago Justice to avoid future disputes between the parties.

THE STATE'S ATTORNEY'S OFFICE'S BREACH OF THE SETTLEMENT AGREEMENT

61. In August 2018, Chicago Justice wrote to Chloe K. Rasmus, the State's Attorney's Office's designated Freedom of Information Officer. Chicago Justice informed Ms. Rasmus and the State's Attorney's Office that during the ongoing review of the Data Set following the dismissal of the Prior Litigation, Chicago Justice identified approximately 170 fields of data that appeared empty or deleted. Chicago Justice asked the State's Attorney's Office to confirm that the fields were unpopulated in the Crimes Database or were redacted, and if they were redacted to provide a reason for the redactions. A true and correct copy of Chicago Justice's August 2018 correspondence is attached hereto as **EXHIBIT D**. Ms. Rasmus, in turn, advised Chicago Justice that she had sent the communication to the Assistant State's Attorneys who had handled this case filed by Chicago Justice, and promised that the ASA's would reach out to Chicago Justice. But no explanation of the empty fields was ever given, nor any reason or explanation for any redactions.

62. On September 20, 2018, as the parties had agreed under the Settlement Agreement, Chicago Justice requested the State's Attorney's Office provide an updated Data Set

through August 31, 2018. A true and correct copy of the request is attached hereto as **EXHIBIT E**. On September 27, 2018, the State's Attorney's Office responded and requested a five-day extension to respond to the request because "the request require[d] the collection of a substantial number of specified records." A true and correct copy of the extension request is attached hereto as **EXHIBIT F**. No "substantial number of specified records" was ever produced.

63. The State's Attorney's Office asked for clarification of Chicago Justice's request on October 1, 2018, saying Chicago Justice would receive data regarding "new cases in their pending state, but not updates to the cases in the old data set." Chicago Justice replied to the Office on October 2, 2018, reiterating that the request was consistent with and made under the Settlement Agreement, and the parties had agreed that the State's Attorney's Office would provide "data on any new activity for any cases that were originally provided to us plus all data related to new cases that were submitted to felony review and cases that were approved for felony prosecution." A true and correct copy of the October 2018 correspondence between Chicago Justice and the State's Attorney's Office is attached hereto as **EXHIBIT G**.

64. On October 4, 2018, the State's Attorney's Office denied Chicago Justice's request for updated information, treating it as though it were a request sought under FOIA, which it was not. The requested data was never produced.

65. Instead, the State's Attorney's Office directed Chicago Justice to different summary data voluntarily made available by the State's Attorney's Office on its website. This data, however, is hand-selected by the State's Attorney's Office and is not as robust or inclusive as that provided in the Data Set under the Settlement Agreement. Contrary to the prior Settlement, the State's Attorney's Office stated that to the extent the publicly-available information did not satisfy Chicago Justice's FOIA request, providing data consistent with the

Settlement Agreement “would pose an undue burden on the daily operation of the SAO.” The updated data pull alone would allegedly take “a minimum of four and a half days of off-business hours systems running,” and the entire process of pulling the data “will take at least an entire week.” Subsequent manual review was estimated to take multiple SAO employees “upwards of several full days to complete with accuracy.” Lastly, assembly of the Data Set would take a “minimum two and a half days.” A copy of this denial letter is attached hereto as **EXHIBIT H**. The Office never addressed its contractual duties under the prior Settlement Agreement, nor explained why it could produce the requested data under the Settlement Agreement consistent with FOIA, but now suddenly doing so was “too burdensome.”

66. On December 5, 2018, Chicago Justice again contacted the State’s Attorney’s Office regarding the Office’s refusal to provide an updated Data Set. In resolving the Prior Litigation, “the CCSAO offered to do exactly what it now refuses to do” in not providing the updated Data Set. In the resolution of the Prior Litigation, the parties had worked diligently and collaboratively to exclude any fields in the Data Set which may incorporate privileged, confidential, or excluded information. Chicago Justice was “willing to discuss reasonable accommodations to reduce any interruption to the CCSAO.” A copy of Chicago Justice’s December 2018 correspondence to the State’s Attorney’s Office is attached hereto as **EXHIBIT I**.

67. The State’s Attorney’s Office never responded to Chicago Justice’s December 2018 correspondence. Chicago Justice again contacted the State’s Attorney’s Office on January 7, 2019, attaching the same correspondence and asking the Office to confirm receipt and advise on when a substantive response could be expected. A copy of Chicago Justice’s January 2019 correspondence is attached hereto as **EXHIBIT J**. The Office never responded.

68. Following a conversation with Prathima Yeddanapudi at the State's Attorney's Office, Chicago Justice again reached out to the Office on February 20, 2019 to confirm the Office would provide Chicago Justice an updated Data Set in a readable format. A copy of Chicago Justice's February 2019 correspondence is attached hereto as **EXHIBIT K**. The Office never responded.

69. Chicago Justice again contacted Ms. Yeddanapudi on July 15, 2019, reiterating its request for an updated Data Set in a readable format. The State's Attorney's Office's "continued failure to provide the updates and the proper formatting clearly violated both the letter and the spirit of the settlement" of the Prior Litigation. Consistent with the Settlement Agreement, Chicago Justice also requested the State's Attorney's Office provide the Data Dictionary necessary to translate its data. Without the Data Dictionary, it is impossible to understand the data fields or codes provided by the State's Attorney's Office (e.g., "Table T_PERSON_ENTITY_INFO: ENTITY_TYPE_ID Number" and "Table T_CASE_DETAIL: CASE_DETAIL_TYPE_ID Number") or whether the State's Attorney's Office has met its obligations under the Settlement Agreement. A copy of Chicago Justice's July 2019 correspondence is attached hereto as **EXHIBIT L**.

70. To date, the State's Attorney's Office failed to produce any of the requested information to Chicago Justice, and despite months of discussions and negotiations, no further correspondence was received from the Office regarding Chicago Justice's request.

CHICAGO JUSTICE'S DATA DICTIONARY FOIA REQUEST

71. In light of the State's Attorney's Office's failure to provide an updated Data Set to Chicago Justice, Chicago Justice served on the State's Attorney's Office a request for public information under FOIA on July 12, 2019, seeking the public records of (1) the State's Attorney's Office's Crimes Database system Data Dictionary(ies), (2) all Data Dictionary(ies)

for any Case Management System currently being used by or under the control of the State's Attorney's Office for felony prosecutions, (3) documents sufficient to explain, detail, or describe the contents of the Crimes Database system including its table and any and all field(s) present in it, (4) any training or instructional materials for the Crimes Database system which are used to educate or train individuals on how to input, maintain, archive, or upkeep the Crimes Database system, (5) any training or instructional materials for the Case Management System currently being used for any and all felony prosecutions in Cook County, (6) documents sufficient to explain, detail, or describe the contents of any Case Management System including their tables and any and all field(s) present and currently being used by or under the control of the State's Attorney's Office for felony prosecutions by the State's Attorney's Office, and (7) documents sufficient to explain, detail, or describe the contents of the field(s) present in any Case Management System, identified in an attached exhibit. A true and correct copy of this FOIA request is attached hereto as **EXHIBIT M**.

72. On July 19, 2019, the State's Attorney's Office denied Chicago Justice's FOIA request in a letter written by FOIA Officer/Policy Analyst Chloe K. Rasmus. The State's Attorney's Office fully withheld records responsive to the request numbered (1) pursuant to Section 7(1)(o) of FOIA, claiming the Crimes Database system Data Dictionary(ies) were exempt from disclosure because "the data dictionaries you seek are a logical design of our case management system, the release of which would compromise the secure networks the SAO employs to house extensive material subject to exemptions under Section 7 of FOIA." The State's Attorney's Office further claimed the State's Attorney's Office did not possess any records responsive to Chicago Justice's remaining six requests numbered (2) through (7). A copy of this denial letter is attached hereto as **EXHIBIT N**.

73. On September 26, 2019, Chicago Justice contacted the State's Attorney's Office regarding the Office's July 2019 denial. Chicago Justice explained disclosure of the purely technical Data Dictionary, not even the actual data itself, to Chicago Justice has no bearing on the security of the actual system; it is merely the technical jargon required to interpret the fields (e.g., date of a crime, address of a crime, race of arrestee, etc.) of the *data already produced*. With regards to requests numbered (2) through (7), Chicago Justice explained that it is simply impossible for the State's Attorney's Office to have no such documents related to those requests. For example, by denying it possesses documents responsive to numbered requests (3) and (7), the State's Attorney's Office claimed that it essentially does not possess a single document which instructs or guides a person on how to use its Crimes Database. Given the complexity of the database, and the number of people using it, this is impossible. A true and correct copy of Chicago Justice's September 2019 correspondence is attached hereto as **EXHIBIT O**.

74. Upon information and belief, a large number of the State's Attorney's Office's employees must use the Crimes Database. Upon information and belief, there exist documents which provide instructions to new or other users of the Crimes Database.

75. On or about May 2020, after years of requests from Chicago Justice, the Office belated produced a single, summary document with instructions on using the Crimes Database, which is attached hereto as **EXHIBIT P**.

76. On information and belief, Exhibit P is insufficient to train new employees at the State's Attorney's Office's employees how to use the Crimes Database.

77. Other than Exhibit P, the State's Attorney's Office failed to produce any of the requested information to Chicago Justice, and no further correspondence was received from the Office regarding this FOIA request.

THE FEBURARY 10, 2020 TELEPHONE CONFERENCE

78. On or about January 29, 2020, Chicago Justice provided a draft complaint to the State's Attorney's Office. In response, on or about February 4, the State's Attorney's Office requested a telephone conference with Chicago Justice.

79. On or about February 10, Chicago Justice and its attorneys held a telephone conference with representatives of the State's Attorney's Office, including Matthew Saniie, Martha-Victoria Jimenez, and Philina King.

80. During this call, Mr. Saniie asserted that the State's Attorney's Office's CRIMES database is so large that it contains about 700 tables and 7,000 fields. Mr. Saniie explained that the State's Attorney's Office has voluntarily made certain data from this database public and that any further production of data is unnecessary.

81. When asked, as an example, where bond data could be located, Mr. Saniie admitted that the State's Attorney's Office has data on bonding but has not released such data to the public.

THE OFFICE'S PUBLIC CASE-LEVEL DATA

82. Beginning in 2018, the State's Attorney's Office began to publish a certain limited amount of case-level data on its website, at [https://datacatalog.cookcountyil.gov/browse?tags=state%27s+attorney+case-level&sortBy=most accessed](https://datacatalog.cookcountyil.gov/browse?tags=state%27s+attorney+case-level&sortBy=most%20accessed).

83. On information and belief, this data does not identify all data in the State's Attorney's Office's possession.

84. On information and belief, the State's Attorney's Office's published case-level data comprising 5 unique tables, 24 rows, and 142 fields.

85. On information and belief, the 24 columns of data purport to include the following:

Column Name	Description	Type		
CASE_ID	Internal unique identifier for each case	Number	#	▼
CASE_PARTICIPANT_ID	Internal unique identifier for each person associated with ...	Number	#	▼
PRIMARY_CHARGE	A flag for the top charge, usually the way the case is referr...	Checkbox	✓	▼
CHARGE_ID	Internal unique identifier for each charge filed	Number	#	▼
CHARGE_VERSION_ID	Internal unique identifier for each version of a charge asso...	Number	#	▼
OFFENSE_TITLE	The specific title of the charge offense	Plain Text	T	▼
CHAPTER	The legal chapter for the charge	Plain Text	T	▼
ACT	The legal act for the charge	Plain Text	T	▼
SECTION	The legal section for the charge	Plain Text	T	▼
CLASS	The legal class of the charge	Plain Text	T	▼
AOIC	Administrative Office of the Illinois Courts ID for law of the ...	Plain Text	T	▼
EVENT	The way the charge was brought about	Plain Text	T	▼
EVENT_DATE	The date the charges were brought about	Date & Time	📅	▼
AGE_AT_INCIDENT	Recorded age at the time of the incident	Number	#	▼
GENDER	Recorded gender of the defendant	Plain Text	T	▼
RACE	Recorded race of the defendant	Plain Text	T	▼
INCIDENT_BEGIN_DATE	Date of when the incident began	Plain Text	T	▼
INCIDENT_END_DATE	Date of when the incident ended (this will be blank for inci...	Date & Time	📅	▼
ARREST_DATE	Date and time of arrest	Date & Time	📅	▼
LAW_ENFORCEMENT_AGENCY	Law enforcement agency associated with the arrest	Plain Text	T	▼
UNIT	The law enforcement unit associated with the arrest	Plain Text	T	▼
INCIDENT_CITY	The city where the incident took place	Plain Text	T	▼
RECEIVED_DATE	Date when felony review received the case	Date & Time	📅	▼
ARRAIGNMENT_DATE	Date of the arraignment	Date & Time	📅	▼

86. The 24 columns of data do not purport to, and upon information and belief do not, include critical information that is within the State's Attorney's Office's possession and control. Examples of such missing information include: the arresting officer's name; the name of the prosecutor in charge; the location within Chicago where the crime and arrest took place; the race, gender, and age of the victim; whether a conviction was obtained; the sentence on the conviction; and many other data items critical to understanding the State's Attorney's Office's work in prosecuting crimes in Cook County.

87. On information and belief, the State's Attorney's Office's published case-level data comprises a small fraction of the available data on each database entry. On further information and belief, the Office's published case-level data comprises less than 2% of the available 700 tables and 7,000 fields of case-level data in the State's Attorney's Office's database.

CHICAGO JUSTICE'S 2020 FOIA REQUESTS

88. On or about April 18-20, 2020, Chicago Justice served and the State's Attorney's Office received a new set of FOIA requests.

89. FOIA request 1 ("FOIA 1") of this set sought all case-level felony prosecution data for the years 1990-2000.

90. FOIA request 2 ("FOIA 2") of this set sought all case-level felony prosecution data for the years 2000-2010.

91. None of the data responsive to FOIA 1 or FOIA 2 was ever produced to Chicago Justice by SAO, and the data are not available in SAO's case-level data published on its public website.

92. The State's Attorney's Office denied FOIA 1 and FOIA 2 on grounds that the

requests were “unduly burdensome.” The State’s Attorney’s Office offered no other legal justification or exemption for its refusal to produce the requested data.

93. FOIA request 3 of this set requested (i) all records related to the purchase, maintenance, or upkeep of the State’s Attorney’s Office’s database, (ii) all records related to the purchase, maintenance, or upkeep of CIBERlaw ELitE 8.0 and/or prior, current, or future versions of same, and (iii) all documents related to “Annual CIBERLaw”.

94. FOIA request 5 (“FOIA 5”) of this set requested non-privileged correspondence (including email) related to the Crimes Database, and specifically correspondence (including email), contracts, agreements or licenses with Ciber, Inc. (the company that designed and implemented the database) from July 12, 2004 to the present.

95. The State’s Attorney’s Office’s response to FOIA 5 admitted that “to the extent that the SAO would possess any records responsive to part three of your request, they would be limited to records retained on the SAO email system.” The Office’s response asserted that “a search was conducted on the SAO email system using the term ‘Ciber,’ from July 12, 2004 to the date of your request. This search generated 13,745 email records.”

96. The Office’s response also asserted that Ciber, Inc. is “a vendor no longer in business.” On information and belief, this assertion about Ciber was false. On further information and belief, Ciber maintains a working website at <https://www.ciber.com/> and purports to be in business. Under “About Us,” the Ciber website states “Founded in 1974, Ciber partners with organizations to develop technology strategies and solutions that deliver tangible business value.” On further information and belief, Ciber Global, LLC – the corporate entity behind the CIBER brand – is listed in Michigan corporate records (its state of incorporation) as active. On further information and belief, there exists a working Ciber, Inc. office at 1 Lincoln

Center STE 100, Oakbrook Terrace, IL 60181.

97. However, the Office refused to produce any of the 13,745 email records asserting that to do so would be “unduly burdensome under FOIA.” The State’s Attorney’s Office offered no other legal justification or exemption for its refusal to produce the requested data.

**CHICAGO JUSTICE’S GOOD-FAITH EFFORTS TO RESOLVE
THIS MATTER AND THE STATE’S ATTORNEY’S OFFICE’S
CONTINUED STONEWALLING**

98. When the parties appeared to reach an impasse in this dispute, Chicago Justice delivered a copy of a draft complaint to the State’s Attorney’s Office on or about May 15, 2020.

99. The parties agreed to discuss a reasonable resolution to the dispute on June 25, 2020.

100. The parties had follow-up discussions on July 30, 2020 and August 20, 2020.

101. Despite these numerous discussions, the State’s Attorney’s Office continues to refuse to produce the requested data, preventing access to records which the public is entitled to access.

**THE STATE’S ATTORNEY’S OFFICE’S ONGOING
PATTERN AND PRACTICE OF DENYING FOIA REQUESTS
AND LACK OF CANDOR AND TRANSPARENCY**

102. The State’s Attorney’s Office has a pattern and practice of denying Chicago Justice’s FOIA requests, no matter how worded and regardless of what data is requested.

103. The State’s Attorney’s Office has breached its Settlement Agreement with Chicago Justice arising out of the Prior Litigation. The data that the State’s Attorney’s Office produced to Chicago Justice in connection with the Settlement has been without data fields relevant to understanding the data, and the Office has failed to update the Data Set with new information.

104. The State's Attorney's Office has thereby intentionally and unlawfully impeded Chicago Justice's access to information to which it (and the public) is entitled. The State's Attorney's Office has intentionally and unlawfully denied Chicago Justice full and complete information regarding the affairs of the Cook County State's Attorney's Office and the official acts and policies of those public officials and public employees in that Office.

COUNT 1

105. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

106. Based on the parties' written and oral communications, Chicago Justice and the State's Attorney's Office mutually assented to the terms of the Settlement Agreement of the Prior Litigation on or about January 2018.

107. The parties did not disagree on any essential or nonessential terms and conditions of the Settlement Agreement.

108. The essential terms of the Settlement Agreement are: (1) to provide Chicago Justice with data from the Crimes Database from the database's creation to the end of the Prior Litigation; and (2) to provide Chicago Justice with any new, updated felony crimes data from the State's Attorney's Office's Crimes Database.

109. At first, and during the relevant time, the State's Attorney's Office has affirmed the terms of the Settlement Agreement through course of conduct. Upon reaching the Settlement Agreement, State's Attorney's Office personnel—including Kathleen Hill and Chloe Rasmus—agreed they could be contacted regarding Chicago Justice's future data requests. After the Settlement Agreement, communications from the State's Attorney's Office to Chicago Justice acknowledged the terms of the Settlement Agreement.

110. The State's Attorney's Office's conduct described above clearly related to the

specific contract in question, the Settlement Agreement. The parties had no other relevant dealings with each other.

111. The State's Attorney's Office conduct indicated an agreement to the terms of the Settlement Agreement.

112. But the State's Attorney's Office still denied every FOIA request made by Chicago Justice after the Settlement Agreement.

113. The State's Attorney's Office has breached the Settlement Agreement by failing to provide Chicago Justice with the Crimes Database information and the new, updated information agreed to in the Settlement Agreement.

114. As a result of the State's Attorney's Office's breach, Chicago Justice has been deprived of its legal right to inspect public records and suffered harm.

COUNT 2

115. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

116. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on April 12, 2010 in accordance with 5 ILCS 140/3.

117. The April 12, 2010 FOIA request sought certain specified information for the years 2008 and 2009 with regard to criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault, criminal sexual abuse, and aggravated criminal sexual abuse cases that the Chicago Police Department, as the arresting agency, referred to the felony review process in the State's Attorney's Office.

118. The State's Attorney's Office denied Chicago Justice's FOIA request on June 15, 2010 and has produced nothing in response.

119. The State's Attorney's Office denied Chicago Justice's FOIA request as unduly burdensome under Section 3(g) of FOIA. Alternatively, the State's Attorney's Office asserted that the requested information is exempt from disclosure under Sections 7(1)(a), (c) and (f) of FOIA.

120. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

121. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

122. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: all public data pertaining to the case types detailed below and data detailed in Section A and B below created by, received by, or maintained by the Cook County State's Attorney's Office in their handling or processing of the following types of cases where the arresting agency was the Chicago Police Department and where the cases were brought to the Cook County State's Attorney's office for charging for the years of 2008 and 2009 for the following types of cases:

- (Section 12-13) Criminal Sexual Assault
- (Section 12-14) Aggravated Criminal Sexual Assault
- (Section 12-14.1) Predatory Criminal Sexual Assault of a Child
- (Section 12-15) Criminal Sexual Abuse
- (Section 12-16) Aggravated Criminal Sexual Abuse

A. Crime Specific Data

- a. Address of occurrence (e.g. hundred block)
- b. Type of weapon used if any

- c. Offender relationship to victim
- d. Whether charges were approved at the felony level for which the Chicago Police Department brought the case to review for
- e. If charges were declined, please provide the summaries and explanations detailing why charges were not approved

B. All non-identifier demographic data pertaining to offenders and victims

- a. Zip code or community area of residence
- b. Race
- c. Ethnicity
- d. Gender
- e. Age
- f. Place of arrest (e.g. hundred block)

123. Chicago Justice has no adequate remedy at law.

COUNT 3

124. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

125. The State’s Attorney’s Office improperly denied Chicago Justice’s legal right to inspect public records by the State’s Attorney’s Office’s failure to produce the records requested on January 19, 2014 in accordance with 5 ILCS 140/3.

126. The January 19, 2014 FOIA request sought, among other things, a list of data tables the State’s Attorney’s Office maintains or uses to capture, collect, and maintain data in the course of its digital data capturing procedures.

127. The State’s Attorney’s Office denied Chicago Justice’s FOIA request on January 22, 2014 and has produced nothing in response.

128. The State’s Attorney’s Office denied Chicago Justice’s FOIA request on the sole basis that the State’s Attorney’s Office is not a “public body” subject to FOIA.

129. There are no applicable statutory exemptions to the production of Chicago Justice’s requested materials.

130. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

131. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same:

1. In digital format, a list of every data table the State’s Attorney’s Office maintains and or uses to capture, collect, and/or maintain data in the course of their digital data capturing procedures. Please include a dump of all fields included in each table.

Please provide each field blank or without any data—only provide data field names.

Also please include the following:

- A code book that defines each table and field included in the State’s Attorney’s Office’s response.
- Which department/office/division within the State’s Attorney’s Office each table is used to capture data.
- Any data tables/fields that maintain data received from other organizations/agencies.

2. Please provide a copy of the State’s Attorney’s Office’s Data Dictionary.

132. Chicago Justice has no adequate remedy at law.

COUNT 4

133. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as

though fully restated herein.

134. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on May 28, 2014 in accordance with 5 ILCS 140/3.

135. The May 28, 2014 FOIA request sought data fields captured in the felony review process, data fields captured in the process of prosecuting a felony criminal case, and data fields captured in the process of prosecuting a misdemeanor criminal case.

136. The State's Attorney's Office denied Chicago Justice's FOIA request on June 23, 2014 and has produced nothing in response.

137. The State's Attorney's Office denied Chicago Justice's FOIA request due to (i) it being overly burdensome to hand count their cases to determine which were opened in 2013 and (ii) because the "request . . . is not for documents but is, instead, a request for an explanation of how the Cook County State's Attorney's Office . . . electronically stores data in its computer system."

138. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

139. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

140. Per its initial FOIA request, Chicago Justice seeks the following documents in digital format and an order of production of the same:

1. Please provide all data fields captured in the felony review process. Please provide only blank fields.
2. Please provide all data fields captured in the process of prosecuting a felony

criminal case. Please provide only blank fields.

3. Please provide all data fields captured in the process of prosecuting a misdemeanor criminal case. Please provide only blank fields.
 - For all the categories, please include data captured/created by the Cook County State's Attorney's Office and any data that is created by other institutions. Please make sure that when delivering the materials it is clearly delimited which fields belong to which stage among the three stages detailed in this request.

141. Chicago Justice has no adequate remedy at law.

COUNT 5

142. Chicago Justice repeats and reaffirms paragraphs 1-82 of this Complaint as though fully restated herein.

143. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on March 23, 2015 in accordance with 5 ILCS 140/3.

144. The March 23, 2015 FOIA request sought records relating to the State's Attorney's Office's felony review process for the years 2010–2014, including aggregate totals of cases for various crimes, the outcomes of the felony review processes, demographic characteristics of both the offender(s) and victim(s) in each case including but not limited to race, ethnicity, gender, and age, and the Chicago Police Department's RD number.

145. The State's Attorney's Office denied Chicago Justice's FOIA request on April 22, 2015 and has produced nothing in response.

146. The State's Attorney's Office denied Chicago Justice's FOIA request due to, among other things, the request being "more akin to an interrogatory in a civil action than a request for records brought pursuant to FOIA."

147. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

148. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

149. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: records related to the Cook County State's Attorney's Office's felony review process for the years 2010–2014 including:

1. Aggregate totals of cases submitted by the Chicago Police Department for felony review for the crime types of Aggravated Criminal Sexual Assault, Aggravated Battery, and Homicide for the years of 2010–2015.
 2. For each case included in the aggregate numbers provided in Part 1 of this request, please provide the outcomes of the felony review process.
 3. For each case included in the aggregate numbers provided in Part 1 of this request, please provide the demographic characteristics of both the offender(s) and victim(s) in each case including but not limited to race and/or ethnicity, gender, and age.
 4. For each case detailed in Part 1 of this request, please provide the Chicago Police Department's RD number.
150. Chicago Justice has no adequate remedy at law.

COUNT 6

151. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

152. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested

on May 2, 2015 in accordance with 5 ILCS 140/3.

153. The May 2, 2015 FOIA request sought information relating to FOIA requests received by the State's Attorney's Office—specifically, Chicago Justice initially sought all requests for records or data received by the State's Attorney's Office under FOIA for the years 2010–2014, and also any correspondence, letters, or emails authored by or received by the State's Attorney's Office regarding those requests.

154. The State's Attorney's Office denied Chicago Justice's FOIA request on May 5, 2015 and has produced nothing in response.

155. The State's Attorney's Office denied Chicago Justice's FOIA request stating generally the request is overly burdensome under Section 3(g) of FOIA because of the volume of requests received each year and because Chicago Justice was seeking information for five years.

156. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

157. On or about April 20, 2020, Chicago Justice served a FOIA request on the State's Attorney's Office, seeking “[a] list of all types or categories of records currently under [the State's Attorney's Office's] control, as provided in 5 ILCS 140/5.” SAO responded by stating “please be advised that the SAO maintains the following records: ... FOIA request and responses...” Thus, SAO admits that it has records under its control that include FOIA requests and responses.

158. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

159. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same:

1. All requests for records or data received by the Cook County State's Attorney's Office in accordance with FOIA for the years 2010–2014.

2. Any correspondence, letters, or emails authored by or received by the State's Attorney's Office regarding the requests that are responsive to part 1 of this request.

160. Chicago Justice has no adequate remedy at law.

COUNT 7

161. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

162. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on May 28, 2015 in accordance with 5 ILCS 140/3.

163. The May 28, 2015 FOIA request sought “[a]ll the data created/stored/retained by the Cook County State's Attorney's Office related to felony prosecutions for the year 2013 for all closed cases.” Chicago Justice explicitly sought redacted information, as it asked the State's Attorney's Office to not release the identities of any witnesses, victims, or offenders.

164. The State's Attorney's Office denied Chicago Justice's FOIA request on June 30, 2015 and has produced nothing in response.

165. The State's Attorney's Office denied Chicago Justice's FOIA request on the grounds that it was, among other things, unduly burdensome under Section 3(g) of FOIA.

166. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

167. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

168. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: all the data created/stored/retained by the Cook County State's Attorney's Office related to felony prosecutions for the year 2013 for all closed cases. Please make sure the data is de-identified (i.e. without the identities of any witnesses, victims, or offenders). However, please provide the identities of prosecutors involved in the cases as they are government employees.

169. Chicago Justice has no adequate remedy at law.

COUNT 8

170. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

171. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on July 7, 2015 in accordance with 5 ILCS 140/3.

172. The July 7, 2015 FOIA request sought “[a]ll data maintained in your Crimes database for all case[s] submitted to the Cook County State's Attorney's Office for felony review in the year of 2013.” In making this request, Chicago Justice asked for certain identifying information to be included and others to be redacted, in each case consistent with the determinations contained in the Public Access Counselor Letter.

173. The State's Attorney's Office denied Chicago Justice's FOIA request on July 9, 2015 and has produced nothing in response.

174. The State's Attorney's Office denied Chicago Justice's FOIA request on the grounds that it was unduly burdensome under Section 3(g) of FOIA.

175. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

176. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

177. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: all data maintained in the State's Attorney's Office's Crimes Database for all cases submitted to the Cook County State's Attorney's Office for felony review in the year 2013.

- This data should have identifying information regarding the crime victim(s) and witness(es) removed prior to release.
- If there is no relationship between the offender and the victim, please also remove this information.

178. Chicago Justice has no adequate remedy at law.

COUNT 9

179. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

180. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on July 12, 2019 in accordance with 5 ILCS 140/3.

181. The July 12, 2019 FOIA request sought public records related to the State's Attorney's Office's Crimes Database system Data Dictionary(ies) and Data Dictionary(ies) for any Case Management System currently being used by or under the control of the State's Attorney's Office for felony prosecutions, as well as training and instructional materials related to the Crimes Database system and Case Management System.

182. The State's Attorney's Office denied Chicago Justice's FOIA request on July 19,

2019 and produced nothing in response.

183. The State's Attorney's Office denied Chicago Justice's FOIA request on the grounds that pursuant to Section 7(1)(o) of FOIA, the Crimes Database system Data Dictionary(ies) were exempt from disclosure because "the data dictionaries you seek are a logical design of our case management system, the release of which would compromise the secure networks the SAO employs to house extensive material subject to exemptions under Section 7 of FOIA." The State's Attorney's Office further claimed it did not possess any other responsive records.

184. Thereafter, on the February 10, 2020 call between the parties, the State's Attorney's Office stated that it did not possess any data dictionaries for the Crimes Database.

185. On or about April 20, 2020, Chicago Justice served a FOIA request for records related to maintenance and/or updates of the database(s) including manuals and training materials. In response, the Office produced a 70-page manual, attached hereto as **EXHIBIT P**. Thus, the Office's July 19, 2019 response and statement in the February 10, 2020 phone call claiming that no such records exist were false.

186. The Office admits that "any maintenance to the CRIMES database is not done via scheduled maintenance. Rather, it is done via problem solving which is performed by SAO personnel on an as-needed basis. As such, any such [maintenance] records would be limited to internal email records and a search for responsive records spanning the years of your request would require an email search like the one described previously using the same terms and date restrictions. Again, a search was conducted on the SAO email system using the term 'Ciber,' from July 12, 2004 to the date of your request. This search generated 13,745 email records."

187. At least 13,745 responsive records have been located by the Office, but never

produced.

188. In addition, on information and belief, other maintenance records must exist including update and change records, requests to vendors including Ciber, Inc. for maintenance, invoices, purchase orders, and the like. A limited set of certain similar records has been published at <http://opendocs.cookcountyil.gov/procurement/contracts/Q-99753-OR.pdf>.

189. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

190. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

191. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: (1) the State's Attorney's Office's Crimes Database system Data Dictionary(ies), (2) all Data Dictionary(ies) for any Case Management System currently being used by or under the control of the State's Attorney's Office for felony prosecutions, (3) documents sufficient to explain, detail, or describe the contents of the Crimes Database system including its table and any and all field(s) present in it, (4) any training or instructional materials for the Crimes Database system which are used to educate or train individuals on how to input, maintain, archive, or upkeep the Crimes Database system, (5) any training or instructional materials for the Case Management System currently being used for any and all felony prosecutions in Cook County, (6) documents sufficient to explain, detail, or describe the contents of any Case Management System including their tables and any and all field(s) present and currently being used by or under the control of the State's Attorney's Office for felony prosecutions by the State's Attorney's Office, and (7) documents sufficient to explain, detail, or describe the contents of the field(s) present in any Case Management System, identified in the

attached exhibit to the July 12, 2019 request.

192. Chicago Justice has no adequate remedy at law.

COUNT 10

193. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

194. The State’s Attorney’s Office improperly denied Chicago Justice’s legal right to inspect public records by the State’s Attorney’s Office’s failure to produce the records requested on April 20, 2020 in accordance with 5 ILCS 140/3.

195. Chicago Justice’s April 20, 2020 FOIA request sought all case-level felony prosecution data for the years 1990-2000.

196. No data responsive to this request has ever been produced to Chicago Justice by the State’s Attorney’s Office, and is not available on the Office’s case-level data published on its public website.

197. The State’s Attorney’s Office denied Chicago Justice’s request solely on grounds that it was “unduly burdensome.”

198. There are no applicable statutory exemptions to the production of Chicago Justice’s requested materials.

199. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

200. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: all case-level felony prosecution data for the years 1990-2000.

201. Chicago Justice has no adequate remedy at law.

COUNT 11

202. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

203. The State’s Attorney’s Office improperly denied Chicago Justice’s legal right to inspect public records by the State’s Attorney’s Office’s failure to produce the records requested on April 20, 2020 in accordance with 5 ILCS 140/3.

204. Chicago Justice’s April 20, 2020 FOIA request sought all case-level felony prosecution data for the years 2000-2010.

205. No data responsive to this request has ever been produced to Chicago Justice by the Office, and is not available on the Office’s case-level data published on its public website.

206. The State’s Attorney’s Office denied Chicago Justice’s request solely on grounds that it was “unduly burdensome.”

207. There are no applicable statutory exemptions to the production of Chicago Justice’s requested materials.

208. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

209. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: all case-level felony prosecution data for the years 2000-2010.

210. Chicago Justice has no adequate remedy at law.

COUNT 12

211. Chicago Justice repeats and reaffirms paragraphs 1–82 of this Complaint as though fully restated herein.

212. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested on April 20, 2020 in accordance with 5 ILCS 140/3.

213. Chicago Justice's April 20, 2020 FOIA request requested (i) all records related to the purchase, maintenance or upkeep of the Office's database, (ii) all records related to the purchase, maintenance or upkeep of CIBERlaw ELitE 8.0 and/or prior, current, or future versions of same, and (iii) all documents related to "Annual CIBERLaw".

214. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

215. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

216. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: (i) all records related to the purchase, maintenance or upkeep of the Office's database, in particular the database provided by Ciber, Inc. and called the CRIMES DATABASE, (ii) all records related to the purchase, maintenance or upkeep of CIBERlaw ELitE 8.0 and/or prior, current, or future versions of same, and (iii) all documents related to "Annual CIBERLaw".

217. Chicago Justice has no adequate remedy at law.

COUNT 13

218. Chicago Justice repeats and reaffirms paragraphs 1-82 of this Complaint as though fully restated herein.

219. The State's Attorney's Office improperly denied Chicago Justice's legal right to inspect public records by the State's Attorney's Office's failure to produce the records requested

on April 20, 2020 in accordance with 5 ILCS 140/3.

220. Chicago Justice's April 20, 2020 FOIA request requested non-privileged correspondence (including email) and contracts related to the Crimes Database, and specifically correspondence (including email), contracts, agreements or licenses with Ciber, Inc. (the company that designed and implemented the database) from July 12, 2004 to the present.

221. The State's Attorney's Office's response admitted that "to the extent that the SAO would possess any records responsive to part three of your request, they would be limited to records retained on the SAO email system." The State's Attorney's Office's response asserted that "a search was conducted on the SAO email system using the term 'Ciber,' from July 12, 2004 to the date of your request. This search generated 13,745 email records."

222. The Office refused to produce any of the located records, asserting that to do so would be "unduly burdensome under FOIA." The State's Attorney's Office offered no other legal justification or exemption for production of the requested data.

223. There are no applicable statutory exemptions to the production of Chicago Justice's requested materials.

224. Chicago Justice has satisfied all actions required as prerequisites to filing an Illinois FOIA case.

225. Per its initial FOIA request, Chicago Justice seeks the following documents and an order of production of the same: the 13,745 email records the Office admits are responsive to this request and generated by its search conducted on the Office's email system using the term 'Ciber,' from July 12, 2004 to the date of your request.

226. Chicago Justice has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Chicago Justice prays this Court:

A. Declare that the State’s Attorney’s Office has breached the Settlement Agreement reached with Chicago Justice in the prior litigation and must comply with Chicago Justice’s data requests as the State’s Attorney’s Office previously agreed to;

B. Declare the State’s Attorney’s Office to be in violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*;

C. Enjoin the State’s Attorney’s Office from continuing to withhold access to any and all nonexempt public records responsive to Chicago Justice’s FOIA requests and further enjoin the State’s Attorney’s Office to provide copies of any and all records responsive to Chicago Justice’s FOIA requests without further delay;

D. Order and enjoin the State’s Attorney’s Office to produce the following public records to Chicago Justice immediately:

- Per Count 1, (1) data from the Crimes Database from the database’s creation to the end of the Prior Litigation; and (2) any new, updated felony crimes data from the State’s Attorney’s Office’s Crimes Database created after the end of the Prior Litigation.
- Per Count 2, all public data for the years of 2008 and 2009 pertaining to sexual assault and sexual abuse cases where the arresting agency was the Chicago Police Department, including crime specific and non-identifier demographic data.
- Per Count 3, a list of every data table the State’s Attorney’s Office maintains and or uses to capture, collect, and/or maintain data in the course of their digital data

capturing procedures, and a copy of the State's Attorney's Office's Data Dictionary.

- Per Count 4, all data fields captured in the felony review process, all data fields captured in the process of prosecuting a felony criminal case, and all data fields captured in the process of prosecuting a misdemeanor criminal case.
- Per Count 5, records related to the State's Attorney's Office's felony review process for the years 2010–2014 including aggregate totals of cases submitted by the Chicago Police Department for felony review for the crime types of Aggravated Criminal Sexual Assault, Aggravated Battery, and Homicide for the years of 2010–2015, the outcomes of the felony review process for those cases, the demographic characteristics of both the offender(s) and victim(s) in each case including but not limited to race and/or ethnicity, gender, and age for those cases, and the Chicago Police Department's RD number for those cases.
- Per Count 6, all requests for records or data received by the Cook County State's Attorney's Office in accordance with FOIA for the years 2010–2014, and any correspondence, letters, or emails authored by or received by the State's Attorney's Office regarding those requests.
- Per Count 7, all the data created/stored/retained by the Cook County State's Attorney's Office related to felony prosecutions for the year 2013 for all closed cases, de-identified but including the identities of prosecutors involved in those cases.

- Per Count 8, all data maintained in the State's Attorney's Office's Crimes Database for all cases submitted to the Cook County State's Attorney's Office for felony review in the year 2013, deidentified.
- Per Count 9, (1) the State's Attorney's Office's Crimes Database system Data Dictionary(ies), (2) all Data Dictionary(ies) for any Case Management System currently being used by or under the control of the State's Attorney's Office for felony prosecutions, (3) documents sufficient to explain, detail, or describe the contents of the Crimes Database system including its table and any and all field(s) present in it, (4) any training or instructional materials for the Crimes Database system which are used to educate or train individuals on how to input, maintain, archive, or upkeep the Crimes Database system, (5) any training or instructional materials for the Case Management System currently being used for any and all felony prosecutions in Cook County, (6) documents sufficient to explain, detail, or describe the contents of any Case Management System including their tables and any and all field(s) present and currently being used by or under the control of the State's Attorney's Office for felony prosecutions by the State's Attorney's Office, and (7) documents sufficient to explain, detail, or describe the contents of the field(s) present in any Case Management System, identified in the attached exhibit to the July 12, 2019 request.
- Per Count 10, all case-level felony prosecution data for the years 1990-2000.
- Per Count 11, all case-level felony prosecution data for the years 2000-2010.
- Per Count 12, (i) all records related to the purchase, maintenance or upkeep of the Office's database, in particular the database provided by Ciber, Inc. and called the

CRIMES DATABASE, (ii) all records related to the purchase, maintenance or upkeep of CIBERlaw ELitE 8.0 and/or prior, current, or future versions of same, and (iii) all documents related to “Annual CIBERLaw”.

- Per Count 13, the 13,745 email records the Office generated by the Office’s search conducted on the Office’s email system using the term ‘Ciber,’ from July 12, 2004 to the date of the request.

E. Order and enjoin the State’s Attorney’s Office to prepare forthwith and produce an affidavit declaring it has produced to Chicago Justice all data and records responsive to the FOIA requests herein, and further declaring that any and all nonexempt updated public records responsive to the requests will be made available to Chicago Justice upon future request;

F. Declare that the State’s Attorney’s Office acted willfully, intentionally, and in bad faith in improperly denying and in failing to provide responsive documents to Chicago Justice’s FOIA requests;

G. Order the State’s Attorney’s Office to pay a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence, as outlined in 5 ILCS 140/11(j) as the Court finds just and equitable; and

H. Award Chicago Justice reasonable fees, and all costs incurred in filing this suit as the Court finds just and equitable.

Respectfully submitted,

Dated: October 22, 2020
Chicago, Illinois

DLA PIPER LLP (US)
Firm No. 43034

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