

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

CHICAGO FREEDOM SCHOOL, et al.)	
)	No:
Plaintiffs,)	
)	
v.)	Judge
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Exhibit 6
Declarations of Plaintiffs
Jacquelyn Hamilton &
Tony Alvarado Rivera

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

**CHICAGO FREEDOM SCHOOL, TONY
ALVARADO-RIVERA, JACQULYN HAMILTON,**)

Plaintiffs,)

v.)

**CITY OF CHICAGO; SUPERINTEDEENT OF THE
CHICAGO POLICE DEPARTMENT DAVID
O'NEILL BROWN; DEPARTMENT OF BUSINESS
AFFAIRS AND CONSUMER PROTECTION
INVESTIGATORS JOSEPH W. SNEED, IRA
NAVARRO, #338, RICHARD ROE AND
CHICAGO POLICE OFFICERS JOHN DOES,**)

Defendants.)

No:

Judge

JURY DEMAND

DECLARATION OF TONY ALVARADO-RIVERA

I, Tony Alvarado Rivera, state as follows:

1. On May 30, 2020, I was the newly pointed executive Director of the Chicago Freedom School.

2. The Chicago Freedom School ("CFS"), inspired by the Civil Rights era freedom schools in Mississippi, is a youth centered not for profit organization founded in 2007. CFS provides a space where young people and adult allies can study the work of past movements, deepen their understanding of current social problems, build new coalitions, and develop strategies for change. CFS supports new generations of critical and independent thinking young people who use their unique experiences and power to create a just world. CFS has an office at 719 S. State Street, Chicago Illinois and it has a history of serving as a safe space for young

people of color in the downtown area. It has frequently opened its doors to serve as a warming center, healing space, and a place where young people can decompress and rest in times of crisis.

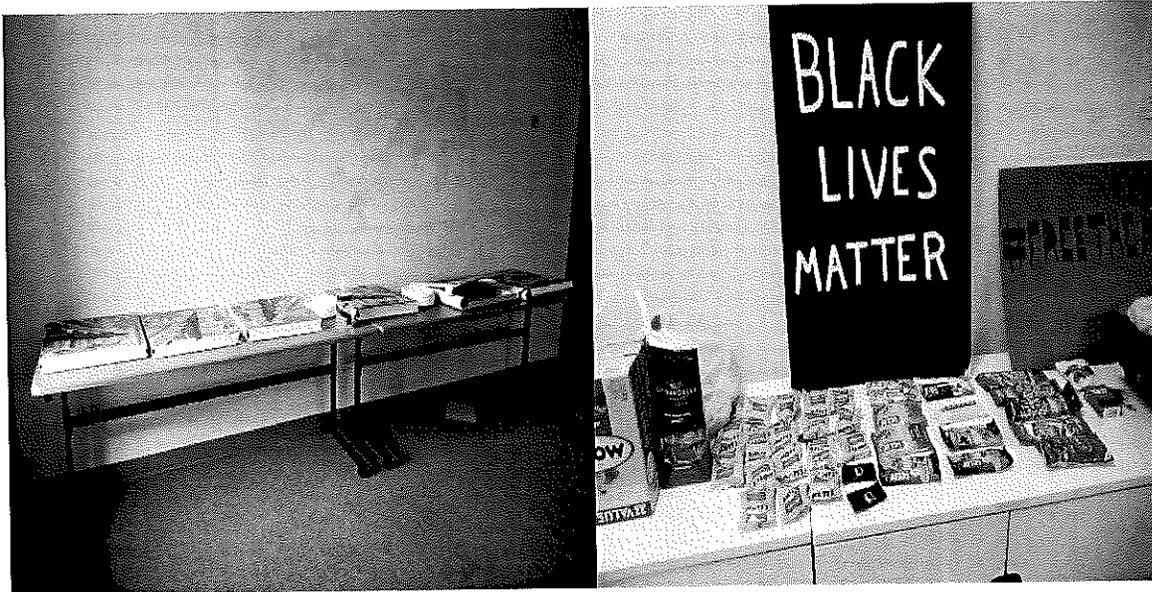
3. On May 30, 2020, the CFS was open serving as a drop-in center in the midst of the massive demonstrations in Chicago's downtown area attended by thousands of people who were protesting the recent racist police murders of George Floyd, Breonna Taylor, Tony McDade in the United States.

4. At approximately 5:30 p.m., CFS announced on Facebook that we were open and providing people, a place for "quick release and restoration," access to a bathroom, phone chargers, mask as well as pizza. We advised people to practice social distancing. We informed people that young people and people of color would be given priority when using the space. We suggested that if people were interested in donating to CFS they could make a small donation at our website to facilitate CFS ordering pizza and bottled water since we were out of stock.

5. We, CFS, posted on Facebook again at around 7 p.m. that evening thanking people for helping CFS open up. The post also thanked people for donating which enabled CFS employees and volunteers to purchase pizza, snacks and water for young folks and others who were coming to the space. The post indicated that CFS was committed to remaining open until 9 p.m.

6. CFS' second FB post also included photos depicting that CFS was serving commercially bought take-out pizza in take-out boxes, and that we were offering juice packs, Clif bars, bags of peanuts and other snacks. In the background of the food, there were signs stating "Black Lives Matter" and "Free Them All."

7. The pictures below are two of the photographs we posted depicting the food we were serving in the CFS space on May 30th.



8. None of the food items depicted in the pictures or distributed at CFS were prepared or packaged at the CFS.

9. Scores of young people, the majority of whom were Black and Brown people who participated in the protests, visited CFS for rest, services and the supplies we offered. We also provided antiseptic and bandages to a few of the young people who were wounded during the demonstrations.

10. At some point that evening, I learned that a curfew for 9 p.m. had been imposed by the City of Chicago and that it was continuing into the early morning.

11. I also learned that CTA has suspended service of trains and buses operating in the downtown area and that may ride share drivers were not responding to requests to pick people up in the downtown area.

12. The curfew, CTA suspension and lack of taxis, Ubers and Lyfts, made it difficult for young people and others at CFS to get home that night. Many of the young people feared they would be arrested for being out past curfew.

13. In response, we, at CFS, reached out to supportive community members and asked for people to come to CFS to transport young people at our premises home.

14. Several people responded to this call, and came to CFS and transported young people home.

15. Meanwhile, several young people at the CFS were using social media to inform others that we, at CFS, were arranging rides for people to get home, in addition to providing people access to food, water and other supplies.

16. At approximately 11 p.m. that night, I came to the front door of the building where CFS is located at 719 S. State Street.

17. I found Jacquelyn Hamilton, the wellness coordinator of CFS, speaking with investigators from the Department of Business Affairs and Consumer Protection (BACP) and members of the Chicago Police Department (CPD).

18. The officers were wearing their uniforms and riot helmets and demanding to be let in the building.

19. The BACP investigators informed Jacquelyn Hamilton and I that the CFS was violating its business license and they needed to inspect CFS's premises and the building immediately. I was told that they received reports that the CFS was housing and feeding protestors.

20. Jacquelyn Hamilton and/or I tried to explain to the BACP and CPD members that

the CFS was a not for profit, and it was not a commercial business, and we did not have a business license. We also tried to explain that CFS does not own the building or have access to the entire building.

21. I also tried to explain the purposes of CFS and the fact that the CFS does not house any individuals.

22. The BACP investigators and/or officers communicated in an insistent, disrespectful and intimidating manner. They refused to listen to my description of CFS's activities and demanded entry to CFS's premises.

23. The BACP and CPD members refused to listen and were insistent and intimidating demanding entry to the CFS' premises.

24. The Officers continued their aggressive push to enter the building and the CFS's premises declaring words to the effect of let's go, we need to get moving, and we've been out here long enough.

25. While the CPD and BACP members were demanding entry into CFS's premises, and later during the search, individuals down the street were breaking into and removing items from the 7-11 and Urban Grocers. The CPD members did not nothing to stop them.

26. I was never shown a warrant to enter and search the premises.

27. BACP investigators, accompanied by CPD officers, searched CFS's premises.

28. The BACP took pictures of the interior of CFS's premises, including the pizza boxes and all the pictures on the wall.

29. No one who was present at CFS prepared any food or drink that was provided to any individuals at CFS on May 30 2020. The BACP members did not find any evidence that

employees or volunteers of CFS were preparing food at CFS.

30. Despite the lack of any evidence that food was being prepared at CFS, BACP members gave us, on behalf of CFS, an Order to “CEASE AND DESIST” in which they falsely claimed that the CFS failed to comply with Chi. Mun. Code §4-4-10 by “Preparing and serving food on the premises not described in the license for which a Retail Food Establishment Code 1106 is required.” See Exhibit A, a photograph of the CEASE and Desist Order.

31. The order to “CEASE AND DESIST” also threatened that the CFS would be charged between \$500.00 and \$1,000.00 every single day if the CFS continued in the alleged, violations of the Chi. Mun. Code. *Id.*

32. The “CEASE AND DESIST” order also directed the Superintendent of the Police to “arrest any and all agents, and employees of the CFS if found engaging in in the business or occupation of Preparing and Serving food on premises, not described on license without the required Retail Food Establishment license, properly displayed on said premises.” *Id.* The order indicated that “[t]his order shall remain in full force and effect until the required license has been procured.” *Id.*

33. As the Officers and BACP investigators were leaving the premises, a BACP investigator threatened Alvarado-Rivera and me that if they returned and found the food observed on the premises, which included pizza slices located in the restaurant-bought pizza boxes, that we would be arrested.

34. I was frightened and intimidated by the sudden arrival of CPD members and BACP investigators at CFS, their demands to search their premises, the issuance of the Cease and Desist Order that threatens to arrest Jacquelyn Hamilton, youth staff members, and me for

serving commercially prepared food at CFS to are young participants and adult allies. It also scares me that they could fine us an excessive amount of money each instance we have or serve commercially prepared on the premises that could harm us financially and shut us down as a small not for profit.

35. The officers and investigators actions, including their aggressive behavior, illegal search, threats of future arrest and shutting down CFS alarmed, frightened and intimidated me causing me mental distress, anguish, and anger.

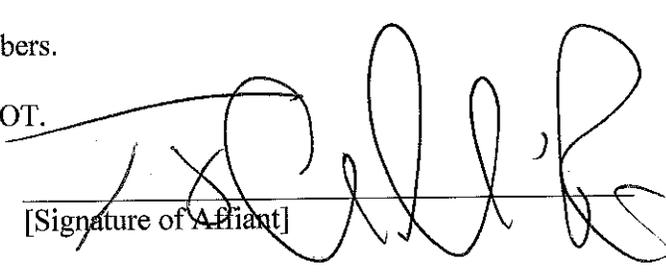
36. As part of CFS' programming, we regularly provides food to it young participants. The food we provide is not prepared and served by CFS nor is it sold to people who participate in our programs. We, CFS employees and volunteers, buy it at restaurants and stores and provide it to young people and others in CFS' space for free.

37. Distribution of commercially prepared food is a routine practice at youth organizations, including at the Boys and Girls Clubs of Chicago, YMCA, and Boys or Girl's Scout troops.

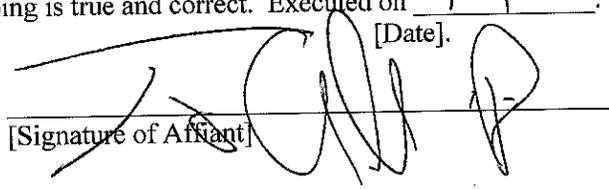
38. Many young people in the City, including many of the Black and Brown young people we work with, also struggle to get access to healthy food in the City. If we are unable to provide food to these young people, they will be hungry and unable to meaningfully participate in the programming.

39. I believe my civil rights were violated and I suffered injury and damage as a result of the conduct of the CPD and BACP members.

FURTHER AFFIANT SAYETH NOT.


[Signature of Affiant]

I declare under penalty of perjury that the foregoing is true and correct. Executed on 6/24/2020.
[Date].


[Signature of Affiant]

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JURY DEMAND

DECLARATION OF JACQULYN HAMILTON

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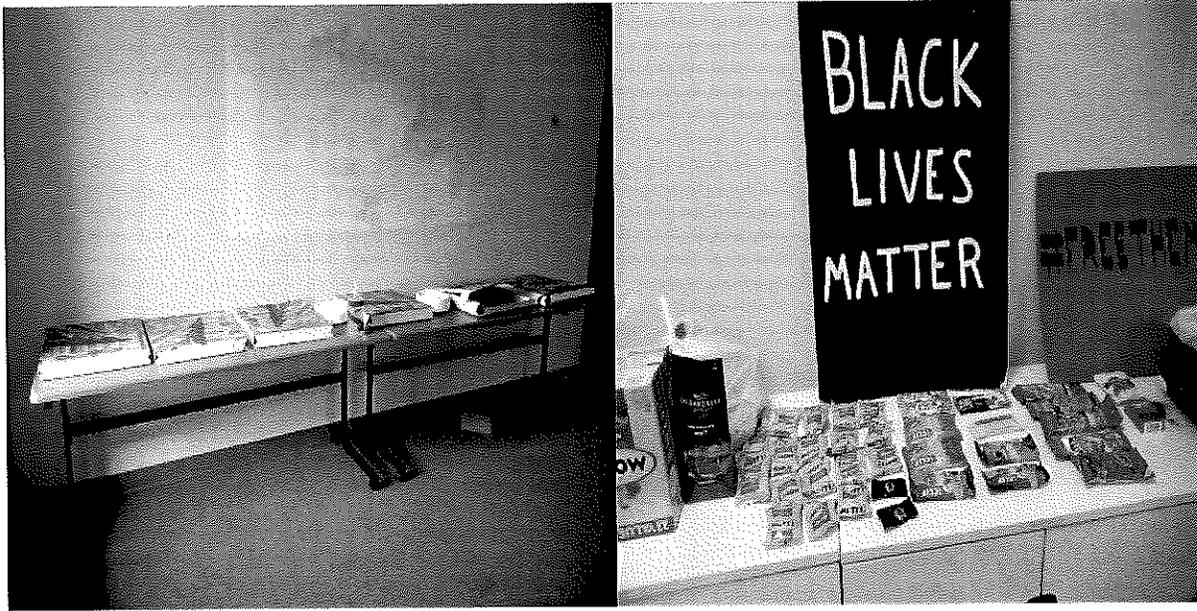
3. On May 30, 2020, CFS was open serving as a drop-in center in the midst of the massive demonstrations in Chicago's downtown area attended by thousands of people who were protesting the recent racist police murders of George Floyd, Breonna Taylor, Tony McDade in the United States.

4. At approximately 5:30 p.m., CFS announced on Facebook that we were open and providing people, a place for "quick release and restoration," access to a bathroom, phone chargers, mask as well as pizza. We advised people to practice social distancing. We informed people that young people and people of color would be given priority when using the space. We suggested that if people were interested in donating to CFS they could make a small donation at our website to facilitate CFS ordering pizza and bottled water since we were out of stock.

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9. Scores of young people, the majority of whom were Black and Brown people who participated in the protests, visited CFS for rest, services and the supplies we offered. We also provided antiseptic and bandages to a few of the young people who were wounded during the demonstrations.

10. At some point that evening, I learned that a curfew for 9 p.m. had been imposed by the City of Chicago and that it was continuing into the early morning.

11. I also learned that CTA had suspended service of trains and buses operating in the downtown area and that many ride share drivers were not responding to requests to pick people up in the downtown area.

12. The curfew, CTA suspension and lack of taxis, Ubers and Lyfts, made it difficult for young people and others at CFS to get home that night. Many of the young people feared

they would be arrested for being out past curfew.

13. In response, we, at CFS, reached out to supportive community members and asked for people to come to CFS to transport young people at our premises home.

14. Several people responded to this call, and came to CFS and transported young people home.

15. Meanwhile, several young people at the CFS were using social media to inform others that we, at CFS, were arranging rides for people to get home, in addition to providing people access to food, water and other supplies.

16. At approximately 11 p.m. that night, I was standing at the front entrance to 719 S. State when I observed several members of the Chicago Police Department (CPD) and Department of Business Affairs and Consumer Protection (BACP) drive up to the building in a car with a Chicago Police squad car, whose mars lights were on, and park next to the building.

17. Upon their arrival, the Chicago Police Officers, who were in CPD uniforms, armed, and wearing their riot helmets, walked up to me and demanded that I allow them to enter the building and into the CFS' premises.

18. One of the police officers claimed that they received a report that CFS was housing and feeding protestors.

19. I tried to talk with the officers and explain the services provided by CFS and ask why they needed to search the CFS's premises.

20. The Officers grew increasingly aggressive repeatedly demanding to enter the building and insisting that I had to let them in.

21. At one point, BACP investigator Sneed arrived at the entrance of the building and

walked in between the officer and me. He was talking to me.

22. BACP investigator Sneed told the officers to calm down and that he would handle this.

23. As I was asking questions of Defendant Sneed and continuing to refuse their entry into the building, one of the officers attempted to lunge at me.

24. Tony Alvarado-Rivera, the Executive Director of CFS, joined me at the front entrance of the building and attempted to speak with the officers and BACP investigators.

25. BACP investigators told Tony Alvarado-Rivera and me that the CFS was violating its business license and they needed to inspect CFS's premises immediately. They also re-iterated that they received reports that the CFS was housing and feeding protestors.

26. Alvarado-Rivera and I repeatedly tried to explain to the BACP investigators and officers that the CFS is a not for profit, and it was not a commercial business, to no avail.

27. Alvarado-Rivera also tried to explain the purposes of the CFS and the fact that the CFS does not house any individuals.

28. The BACP investigators and/or officers communicated in an insistent, disrespectful and intimidating manner. They refused to listen to Alvarado-Rivera's description of CFS's activities and demanded entry to CFS's premises.

29. I was never shown a warrant to enter and search the CFS's premises.

30. Neither I nor any other person present at CFS prepared any food or drink that was provided to any individuals present at CFS on May 30th.

31. Even though there was no evidence that food was being prepared at CFS, BACP officers gave us an order to "CEASE AND DESIST" in which they claimed that the CFS failed

to comply with Chi. Mun. Code §4-4-10 by “Preparing and serving food on the premises not described in the license for which a Retail Food Establishment Code 1106 is required.”

32. As the Officers and BACP investigators were leaving the premises, a BACP investigator threatened Alvarado-Rivera and me that if they returned and found the food observed on the premises, which included pizza slices located in the restaurant-bought pizza boxes, that we would be arrested.

33. The officers and investigators actions, including their aggressive behavior, illegal search, threats of future arrest and shutting down CFS alarmed, frightened and intimidated me causing me mental distress, anguish, and anger.

34. As part of the CFS’ programming, we regularly provide food to our young people and participants. This food is not prepared and served by us at CFS nor is it sold to people who participate in our programs. Rather, it is purchased by CFS employees and volunteers at restaurants and stores and provided to youth and others in CFS’ space for free.

35. As someone who has worked with youth for years, I can attest to the fact that distribution of commercially prepared food is a routine practice at youth organizations, including at the Boys and Girls Clubs of Chicago, YMCAs, and Boys or Girl’s Scout troops.

36. Many young people in the City, including many of the Black and Brown young people we work with, also struggle to get access to healthy food in the City. If we are unable to provide food to these young people, they will be hungry and unable to meaningfully participate in the programming.

37. I believe my civil rights were violated and I suffered injury and damage as a result of the conduct of the CPD and BACP members.

FURTHER AFFIANT SAYETH NOT.


[Signature of Affiant]

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 25, 2020
[Date].


[Signature of Affiant]