



Lawyers

Herschella G. Conyers
Claudia M. Flores
Nino Guruli
Craig B. Futterman
Nicole Hallett
Jeffrey E. Leslie
Judith P. Miller
Randall D. Schmidt
Alison M. Siegler
Mark Templeton
Robert Weinstock
Erica Zunkel

April 3, 2020

Attn: Illinois Freedom of Information Act Officers
Pulaski County Detention Center
20 Justice Drive
Ullin, IL 62992

Re: Request Under Illinois Freedom of Information Act (5 ILCS 140/1-11 (2010))

To Whom It May Concern:

The Mandel Legal Aid Clinic and the National Immigrant Justice Center submit this request for records pursuant to the Freedom of Information Act, 5 ILCS 140/1-11 (2010) (IFOIA).

Background Information

The Mandel Legal Aid Clinic is a non-profit organization associated with the University of Chicago Law School. The Mandel Legal Aid Clinic submits this request with the National Immigrant Justice Center, a non-profit organization that has clients detained in the Pulaski County Detention Center. Both organizations should be considered requesters under IFOIA.

Request

Please provide copies of any and all existing public records¹ related to the Pulaski County Detention Center’s (hereinafter “the facility”) response to the COVID-19 pandemic with respect to individuals the facility detains pursuant to an agreement with U.S. Immigration and Customs Enforcement (hereinafter “immigrant detainees”), including but not limited to:

- 1. Records from January 1, 2015 to present related to general health care policies at the facility, including but not limited to:**

¹ “Public record,” as defined by IFOIA, means “all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form of characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.” 5 ILCS 140/2(c).

- a. Records of any health-related assessments of the facility, including internal or external reviews of compliance with internal health policies or governmental health laws or regulations (federal, state, county and local).
- b. Policies related to infectious diseases and infectious disease outbreaks, including:
 - i. Policies for identifying and limiting the spread of infectious disease in the facility.
 - ii. Preparedness plans or exercises for possible outbreaks of infectious disease.
 - iii. Records evaluating the impact of a pandemic on the facility, including the impact on immigrant detainees, staff, and visitors.
 - iv. Policies for responding to the impact of a pandemic on facility staffing, including:
 - 1. Contingency plans for significant staff absences.
 - 2. Cross-training staff.
 - 3. Recruitment of temporary personnel.
 - 4. Flexible work options.
- c. Records regarding past outbreaks of infectious diseases, including the facility's response to the outbreaks and the impact of the outbreaks on the facility in general and immigrant detainee health in particular.
- d. Policies for identifying and treating influenza and other respiratory illness in the facility, especially among immigrant detainees.
- e. All policies related to general medical care and treatment of immigrant detainees, including:
 - i. Immigrant detainees with medical conditions.
 - ii. Immunocompromised immigrant detainees.
 - iii. Elderly immigrant detainees.
- f. Policies related to personal hygiene of facility staff and detainees, including:
 - i. Hygiene-related requirements for staff.
 - ii. Access of staff and detainees to soap and other basic hygiene products.
 - iii. Access of staff and detainees to masks, gloves, and other protective gear.
- g. Policies related to facility cleanliness, including policies and schedules for maintaining the cleanliness of any common and living areas.
- h. Policies related to emergency preparedness.
- i. Records regarding or describing the current living arrangements of immigrant detainees, including the layout of living quarters and number of immigrant detainees per cell, pod, or dorm and the size of all immigrant detainee cells, pods, or dorms.
- j. General visitation policies for community and legal visits, including video visitation policies and detainee access to telephones.
- k. Records of seasonal influenza vaccination rates for detainees and staff.
- l. Employee training practices related to any of the policies discussed above.

2. Records from January 1, 2020 to present related to COVID-19 preparedness and response, including but not limited to:

- a. Policies related to limiting the spread of COVID-19, including but not limited to:
 - i. Cancellations of any facility activities.

- ii. Changes in visitation policies, including any increase in videoconferencing and reducing the cost of phone and video calls.
- iii. Access of immigrant detainees, staff, and other persons in the facility to personal hygiene supplies, including:
 - 1. Availability of free hygiene supplies, including types and quantities.
 - 2. Any reductions or waivers of fees for personal hygiene supplies.
 - 3. Availability of hygiene supplies for purchase, including the types of hygiene products available and their prices.
- iv. Limiting contact between immigrant detainees and officers where possible.
- v. Social distancing-motivated changes to living arrangements (such as layouts of dorms or pods), meal service, recreation options, waiting rooms, immigrant detainee labor, etc.
- vi. Providing paid sick leave to employees with COVID-19 symptoms.
- vii. Offering revised duties to staff who are at a higher risk of contracting COVID-19.
- viii. Posting signs throughout the facility about symptoms, hand-washing guidance, and instructions to report symptoms to staff (and whether the signs accommodate non-English speaking and low literacy individuals).
- ix. Suspending facility transfers or admissions of new detainees.
- x. Suspending tours and volunteer visits.
- xi. Facility sanitation.
- xii. Providing hand sanitizer, soap, cleaning supplies, and increased laundry service to immigrant detainees.
- xiii. Identifying immigrant detainees at high risk of contracting COVID-19.
- xiv. Any efforts to reduce the immigrant detainee population, including but not limited to:
 - 1. Efforts encouraging the state to reduce jail admissions.
 - 2. Potentially releasing certain immigrant detainees.
- xv. Attempts to arrange lawful alternatives to in-person court appearances.
- xvi. The procurement and/or use of personal protective equipment for immigrant detainees, staff, and/or visitors.
- xvii. The storage and maintenance of any personal protective equipment.
- b. Policies related to detecting COVID-19 among immigrant detainees, inmates, employees, or people who have contact with immigrant detainees, inmates, or employees, including but not limited to:
 - i. Checking staff and visitors daily for COVID-19 symptoms.
 - ii. Access to COVID-19 testing and any associated costs if not free.
 - iii. Screening all incoming arrestees.
 - iv. Established guidelines/next steps if immigrant detainees, inmates, or staff present COVID-19 symptoms.
- c. Policies for addressing immigrant detainees, inmates, employees, or people who have contact with immigrant detainees, inmates, or employees who test positive for COVID-19, including but not limited to:

- i. Policies for quarantining individuals who may have contracted COVID-19.
 - d. Policies for addressing immigrant detainees, inmates, or staff who have tested positive for COVID-19, including but not limited to:
 - i. Policies for quarantining detainees and inmates who have contracted COVID-19.
 - ii. Policies for quarantining or reassigning staff who have contracted COVID-19.
 - iii. Policies for contact tracing or informing individuals who have had contact with either detainees or staff with COVID-19 of possible exposure.
 - e. Policies for responding to current issues or possible future contingencies related to COVID-19, such as shortages of medical supplies, facility personnel, or cleaning products.
 - f. Policies related to medically vulnerable persons, such as elderly immigrant detainees or immigrant detainees with preexisting health conditions.
 - g. Policies regarding immigrant detainee contact with the following:
 - i. Attorneys.
 - ii. Families of immigrant detainees.
 - iii. State, county, and local law enforcement agencies.
 - iv. U.S. Department of Homeland Security and any of its components, including but not limited to U.S. Immigration and Customs Enforcement and U.S. Customs and Border Control.
 - v. Executive Office for Immigration Review.

3. Records from January 1, 2020 to present related to implementation of any COVID-19 policies, including but not limited to:

- a. Records of any inspections or assessments conducted in response to COVID-19.
- b. Records and communications evaluating the facility's preparedness for COVID-19.
- c. Records and communications related to any inspections or other assessments of the health care facilities, health policies, hygiene levels, or other characteristics related to the facility's preparedness for COVID-19.
- d. Informational materials provided to immigrant detainees, staff, visitors, or other persons who may visit the facility or have contact with immigrant detainees or employees regarding COVID-19 and the facility's preparedness.
- e. Records or schedules of any upcoming events in which immigrant detainees will be in contact with other persons, such as work schedules or schedules of upcoming social, religious, educational, or other events.
- f. Any press releases from the facility concerning COVID-19 and the facility's preparations and response plans.

4. Records from January 1, 2020 to present related to the facility's current capacity to deal with COVID-19, including but not limited to:

- a. Records identifying immigrant detainees who are particularly vulnerable to COVID-19, including elderly immigrant detainees or immigrant detainees with underlying health conditions.
- b. Inventories of cleaning and medical supplies.
- c. Number of available beds for sick immigrant detainees.
- d. Size of any health care facilities.
- e. Daily population count of immigrant detainees, including records of all transfers to and from the facility.
- f. Daily population count of all detainees at the facility, both immigrants and non-immigrants.
- g. Number of employees.
- h. Records of any suspected or confirmed cases of COVID-19 among inmates, staff, and/or visitors.
- i. Records of detainees (both immigrants and non-immigrants) or employees experiencing flu-like symptoms since January 1, 2020.

Search

We respectfully request that you conduct searches of all electronic and paper/manual indices, filing systems, and physical locations for all records related to the subject of the Request.

Fees

This Request is a matter of public concern and is not made for a personal or commercial purpose. The Request is necessary in order to help the National Immigrant Justice Center, a non-profit organization, better represent its clients. It will also enable the general public to understand the risks that the COVID-19 pandemic poses to immigrant detainees. *See generally* 5 ILCS 140/6(c). As such, we request that any fees associated with providing the requested records be waived in the public interest, or at the very least reduced as required by IFOIA. *See id.* As noted below, we also request that documents be provided in electronic format if possible. Doing so would eliminate the fees incurred by copying materials. To the extent you intend to assess any charges, please notify us to discuss first.

Response Time

IFOIA requires disclosure of any responsive, non-exempt records within five (5) business days, unless the time for response is extended pursuant to 5 ILCS 140/3(e). *See* 5 ILCS 140/3(d). Denial of the Request must be in writing pursuant to 5 ILCS 140/9.

Redacted Documents

If a record contains material deemed exempt pursuant to an IFOIA exemption, please redact only the exempt portions and release all non-exempt portions as required by IFOIA. *See* 5 ILCS 140/7(1).

Explanations for Withholding

If the Request is denied in whole or in part, please justify all withholdings in writing and

THE ARTHUR O. KANE CENTER FOR CLINICAL LEGAL EDUCATION
6020 SOUTH UNIVERSITY AVENUE / CHICAGO, ILLINOIS 60637-2786
(773) 702-9611 / FAX: (773) 702-2063 / www.law.uchicago.edu/mandel

provide the reasons for the denial, “including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial.” 5 ILCS 140/9(a). If the Request is denied in whole or in part, such denial must occur within five (5) business days after receipt of the Request, unless the time for response is properly extended under 5 ILCS 140/3(e). *See* 5 ILCS 140/3(d).

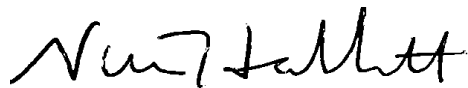
Form of Production

Please furnish the applicable records to nhallett@uchicago.edu. We would also accept a flash drive, CD-ROM, or a cloud storage link. If any records cannot be submitted via electronic mail and must be physically mailed, please furnish all such records to the following address:

Mandel Legal Aid Clinic
University of Chicago Law School
6020 S. University Ave
Chicago, IL 60637

However, if a record is maintained in an electronic format, please provide such record electronically pursuant to 5 ILCS 140/6(a), unless doing so is not possible. In that case, please provide such record either in paper format or in the format in which you maintain the record. *Id.*

We would be happy to discuss this Request should you have any questions or concerns. Please feel free to contact the Mandel Legal Aid Clinic through the email address or phone number provided below. Many thanks for your time and consideration.



A. Nicole Hallett
Edwin F. Mandel Legal Aid Clinic
University of Chicago Law School
6020 S. University Ave
Chicago, IL 60637
nhallett@uchicago.edu
203-910-1980

THE ARTHUR O. KANE CENTER FOR CLINICAL LEGAL EDUCATION
6020 SOUTH UNIVERSITY AVENUE / CHICAGO, ILLINOIS 60637-2786
(773) 702-9611 / FAX: (773) 702-2063 / www.law.uchicago.edu/mandel