

FILED DATE: 6/3/2022 5:55 PM 2022CH05381

Chancery Division Civil Cover Sheet
General Chancery Section

(12/01/20) CCCH 0623

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

Chicago Justice Project

Plaintiff

2022CH05381

v.

Case No: _____

Illinois Department of Corrections

Defendant

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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Pro Se Only: I have read and agree to the terms of the Clerk's Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

Email: _____

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

CHICAGO JUSTICE PROJECT,)	
)	
Plaintiff,)	
v.)	2022CH05381
)	
ILLINOIS DEPARTMENT)	
OF CORRECTIONS,)	
)	
Defendant.)	

COMPLAINT

NOW COMES PLAINTIFF, the Chicago Justice Project (“Chicago Justice” or “Plaintiff”), by and through its undersigned counsel, bringing this Complaint against Defendant Illinois Department of Corrections (“IDOC” or “Defendant”). IDOC has repeatedly stonewalled Chicago Justice’s requests for public data on the its operations and actions. Plaintiff Chicago Justice has provided a draft copy of this Complaint to IDOC before filing, but IDOC still has not complied with its state law obligations, nor provided any of the requested data. Thus, in support of its Complaint, Plaintiff Chicago Justice respectfully avers and alleges as follows:

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.
2. In violation of FOIA, IDOC refuses to produce specific public records requested by Chicago Justice.

THE PARTIES

3. 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.

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

5. Chicago Justice’s mission is “through targeted advocacy campaigns and innovative data systems” to “empower communities to challenge justice system policies and practices with evidence-based analysis.” *About Us*, Chicago Justice Project, <https://chicagojustice.org/about/> (last visited May 4, 2022).

6. Chicago Justice’s vision is local justice systems, around the country, empowering community members to become cocreators of safety and justice in their communities through data transparency.

7. The Illinois Department of Corrections is located at 555 West Monroe, 6th Floor, Suite 600-S, Chicago, IL 60661 and is a public body of the State of Illinois.

8. IDOC 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).

**IDOC’S PATTERN AND PRACTICE OF DENYING
FOIA REQUESTS AND LACK OF TRANSPARENCY**

9. IDOC has a pattern and practice of denying Chicago Justice’s legitimate FOIA requests, no matter how worded and regardless of what data is requested. Despite being a public body subject to Illinois FOIA, often IDOC simply refuses to respond to Chicago Justice at all.

10. IDOC has thereby intentionally and unlawfully impeded Chicago Justice’s access to information to which Chicago Justice (and the public) is entitled. IDOC has intentionally and unlawfully denied Chicago Justice full and complete information regarding the affairs of IDOC and the official acts and policies of those public officials and public employees of IDOC.

11. On July 6, 2020, Chicago Justice lawfully requested data and records regarding a number of issues of high public interest and concern. These included, *inter alia*:

- inmate deaths in custody,
- visits received by inmates,
- revenue and other financial information regarding vending machines in visiting rooms,
- the number of inmates affiliated with a gang,
- documentation on building exits for each IDOC facility, and
- documents or data kept on technical violations or grievances by inmates.

12. IDOC has repeatedly failed to provide public data lawfully requested by Chicago Justice and has repeatedly stonewalled and refused to produce public records requested by Chicago Justice.

13. To date, despite repeated and polite official requests from Chicago Justice, IDOC has refused to produce the requested records detailed above.

14. IDOC's ongoing refusal to produce the requested records continues a pattern and practice of ignoring or denying its clear obligations under FOIA.

15. IDOC's ongoing refusal to produce the requested records also ignores or denies IDOC's own "core values" of "transparency," "accountability," and "responsiveness." *Agency Overview*, Illinois Department of Corrections, <https://www2.illinois.gov/idoc/aboutus/Pages/IDOCOverview.aspx> (last visited May 5, 2022).

16. Thus, with this lawsuit, Chicago Justice seeks, among other things, an injunction commanding IDOC 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 ILLINOIS DEPARTMENT OF CORRECTIONS**

17. 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.

18. 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.

19. 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.

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

21. 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).

22. 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).

23. This lawsuit is necessary because IDOC cannot be permitted to continue to ignore its obligations under FOIA.

24. Chicago Justice, therefore, seeks redress for IDOC’s willful and intentional violation of FOIA.

COUNT 1

25. Chicago Justice repeats and reaffirms paragraphs 1-24 of this Complaint as though fully restated herein.

26. On July 6, 2020, Chicago Justice properly served the FOIA request for records, attached at Appendix A, and incorporated herein by reference.

27. IDOC responded to Chicago Justice’s FOIA request on July 17, 2020.¹ *See* Appendix B, incorporated herein by reference. But IDOC’s written response to Chicago Justice’s FOIA requests does not even address IDOC’s denial of these requests, much less set for a valid exemption or attempt to prove the applicability of the exemption.

28. On July 17, 2020, IDOC improperly denied Chicago Justice’s legal right to inspect public records by failing to respond to certain requests or produce any records requested on July 6, 2020 in accordance with 5 ILCS 140/3.

29. Specifically, for almost two years and despite Chicago Justice’s follow-up letter

¹ The first of IDOC’s partial responses were received on July 14, 2020. Chicago Justice did not receive the last of IDOC’s responses until July 17, 2020.

requesting IDOC's compliance (Appendix C), IDOC has failed to produce any records in response to requests regarding inmate deaths in custody, documentation on building exits for each ILDOC facility, and documents or data kept on individuals recommitted for a technical violation—and has done so without any explanation.

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

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

32. Per its initial FOIA requests, Chicago Justice seeks the following documents (which have not been produced) and an order of production of the same:

- [FOIA N.1] For the prison stock reports issued by IDOC between 2000-2020, additional data per individual detailed in those reports, including:
 - 1. Mittimus
 - 2. All data related to any individual that was recommitted for a technical violation, including but not limited to:
 - date
 - technical violation type
 - description of violation;
- [FOIA N.2] Documents showing or containing, or raw data in electronic format related to, any individual that was recommitted for a technical violation from 2000-2020, including but not limited to:
 - date
 - technical violation type

- description of violation
 - race
 - gender
 - age
 - county;
- [FOIA O] Documents showing or detailing, or raw data in electronic format regarding, all exits from IDOC's facility, including but not limited to:
 - exit mechanism
 - expected mandatory supervised release (MRS)
 - exit data
 - place type
 - earned discretionary sentencing credit (EDSC)
 - electronic detention or monitoring (ED)
 - clemency
 - furlough
 - transfers;
 - [FOIA S] Documents sufficient to show, or from which can be derived, the data related to inmate deaths from 2000-2020, including but not limited to, the aggregate number of deaths by case, facility, and year.

33. Chicago Justice has no adequate remedy at law.

COUNT 2

34. Chicago Justice repeats and reaffirms paragraphs 1-33 of this Complaint as though fully restated herein.

35. IDOC improperly denied Chicago Justice’s legal right to inspect public records by failing to produce any records requested on July 6, 2020 in accordance with 5 ILCS 140/3.

36. Specifically, IDOC denied Chicago Justice’s FOIA requests on the basis that the requests were “overly burdensome as written” due to COVID-19 protocols. However, at the time of IDOC’s denial of these requests, Mayor Lori Lightfoot had already lost a bid to suspend FOIA across Illinois. Therefore, it should have been clear then—as it is clear now—that the pandemic did not change IDOC’s requirement to search for, redact, and produce records upon request.

37. The Illinois government has been operating in spite of COVID-19 for over two years.

38. Even if there were any burden from COVID-19 at some point in time, “COVID-19 protocols” no longer form a basis for denying or delaying Chicago Justice’s legitimate FOIA requests.

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

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

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

- [FOIA E1] Documents sufficient to show (or from which may be derived), on a facility by facility basis, the number of vending machines in visiting rooms, for 2000-2020;
- [FOIA E2] Documents sufficient to show (or from which may be derived), on a facility by facility basis, the revenue from vending machines in visiting rooms, for

2000-2020;

- [FOIA I] Documents sufficient to show (or from which may be derived), on a facility by facility basis, the aggregate number of grievances for 2000-2020;
- [FOIA J] Documents sufficient to show (or from which may be derived), on a facility by facility basis, the aggregate number of grievances by type, facility, and month for 2000-2020;
- [FOIA R] Documents sufficient to show (or from which may be derived), the data related to inmate health care from 2000-2020, including but not limited to:
 - aggregate number of requests from inmates by facility and year to see medical doctors, mental health specialists, or counselors
 - aggregate number of times by facility and year that inmates are able to see medical doctors, mental health specialists, or counselors
 - aggregate number of times inmates are hospitalized by cause, facility, and year.

42. Chicago Justice has no adequate remedy at law.

COUNT 3

43. Chicago Justice repeats and reaffirms paragraphs 1-42 of this Complaint as though fully restated herein.

44. IDOC improperly denied Chicago Justice's legal right to inspect public records by failing to produce any records requested on July 6, 2020 in accordance with 5 ILCS 140/3.

45. Specifically, IDOC denied Chicago Justice's FOIA requests and did not produce any records in response on the basis that the requests were "overly vague."

46. Chicago Justice's FOIA requests were not overly vague. Chicago Justice's requests

were written plain English and specified the records requests, including specific ways of grouping the data so as to be more intelligible and useful to the public.

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

- [FOIA F] Documents sufficient to show (or from which may be derived), on a facility by facility basis, how and to whom the revenue from vending machines in visiting rooms was disbursed;
- [FOIA T] Copies of prison projections that have been produced by you or any consultants retained by you from 2000-2020.

48. IDOC improperly denied Chicago Justice's legal right to inspect public records by failing to produce the records requested on July 6, 2020 in accordance with 5 ILCS 140/3.

49. IDOC did not elaborate further as to why the requests were "overly vague," preventing Chicago Justice from replying with more concise requests.

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

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

52. Chicago Justice has no adequate remedy at law.

COUNT 4

53. Chicago Justice repeats and reaffirms paragraphs 1-52 of this Complaint as though fully restated herein.

54. IDOC improperly denied Chicago Justice's legal right to inspect public records by failing to produce the records requested on July 6, 2020 in accordance with 5 ILCS 140/3.

55. The July 6, 2020 FOIA request sought records of the aggregate totals per facility for the number of inmates either determined to be affiliated with a gang (either by investigation, internal affairs, or self-reporting).

56. IDOC denied Chicago Justice's FOIA request on July 17, 2020 and has produced nothing in response.

57. IDOC denied Chicago Justice's FOIA request by using an overly broad exemption. However, Chicago Justice's request was purposely worded in such a way to allow for the complete anonymization of the inmates and does not in any way refer to or request records regarding any current or past investigation.

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

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

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

- [FOIA L] Documents sufficient to show (or from which may be deprived), on a facility by facility basis, the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting), for each of the years from 2000-2020;
- [FOIA M] Documents sufficient to show (or from which may be deprived), on a facility by facility basis, the number of inmate gang status changes, for each of the years from 2000-2020.

61. Chicago Justice has no adequate remedy at law.

WHEREFORE, Chicago Justice prays this Court:

A. Declare the Illinois Department of Corrections to be in violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*;

B. Enjoin IDOC from continuing to withhold access to any and all nonexempt public records responsive to Chicago Justice’s FOIA requests and further order IDOC to provide copies of any and all records responsive to Chicago Justice’s FOIA requests without further delay;

C. Order and enjoin IDOC to produce the following public records to Chicago Justice immediately:

- Per Count 1, (1) for the prison stock reports issued by IDOC between 2000-2020, additional data per individual detailed in those reports, including mittimus and data related to any individual that was recommitted for a technical violation; (2) documents showing or containing, or raw data in electronic format related to, any individual that was recommitted for a technical violation from 2000-2020; (3) documents showing or detailing, or raw data in electronic format regarding, all exits from IDOC’s facility; and (4) documents sufficient to show, or from which can be derived, the data related to inmate deaths from 2000-2020.
- Per Count 2, (1) documents sufficient to show, on a facility by facility basis, the number of vending machines in visiting rooms for 2000-2020; (2) documents sufficient to show, on a facility by facility basis, the revenue from vending machines in visiting rooms for 2000-2020; (3) documents sufficient to show, on a facility by facility basis, the aggregate number of grievances for 2000-2020; (4) documents sufficient to show, on a facility by facility basis, the aggregate number

of grievances by type, facility, and month for 2000-2020; and (5) documents sufficient to show (or from which may be derived), the data related to inmate health care for 2000-2020.

- Per Count 3, (1) documents sufficient to show (or from which may be derived), on a facility by facility basis, how and to whom the revenue from vending machines in visiting rooms was disbursed; and (2) copies of prison projections that have been produced by you or any consultants retained by you from 2000-2020.
- Per Count 4, (1) documents sufficient to show (or from which may be deprived), on a facility by facility basis, the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting), for each of the years from 2000-2020; and (2) documents sufficient to show (or from which may be deprived), on a facility by facility basis, the number of inmate gang status changes, for each of the years from 2000-2020.

D. Order and enjoin IDOC 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;

E. Declare that IDOC acted willfully, intentionally, and in bad faith in improperly denying and in failing to provide responsive documents to Chicago Justice's FOIA requests;

F. Order IDOC 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

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

Respectfully submitted,

Dated: June 3, 2022

DLA PIPER LLP (US)

By: /s/ Paul R. Steadman
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Hearing Date: 10/4/2022 9:30 AM
Location: Court Room 2402
Judge: Price Walker, Allen

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Appendix

A

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From: **Tracy Siska** tsiska@chicagojustice.org
Subject: Chicago Justice Project FOIAs 070620
Date: July 6, 2020 at 10:56 AM
To: DOC.FOIARequest@illinois.gov



To: Illinois Department of Corrections

Re: Chicago Justice Project FOIA Requests

In accordance with the Illinois Freedom of Information Act, 5 ILCS 140, I request that your office provide the following public records:

FOIA A

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate weekly number of visits to inmates**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the aggregate weekly number of visits to inmates, for each of the years from 2000-2020.

FOIA B

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate weekly number of video visits to inmates**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the aggregate weekly number of video visits to inmates, for each of the years from 2000-2020.

FOIA C

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates who receive at least one visit per year**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the number of inmates who receive at least one visit per year, for each of the years from 2000-2020

FOIA D

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates who receive at least one video visit per year**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the number of inmates who receive at least one visit per year, for each of the years from 2000-2020.

FOIA E.1

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of vending machines in visiting rooms**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the number of vending machines in visiting rooms, for each of the years from 2000-2020.

FOIA E.2

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the revenue from vending machines in visiting rooms**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the revenue from vending machines in visiting rooms, for each of the years from 2000-2020.

FOIA F

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Documents sufficient to show (or from which may be derived), on a facility by facility basis, **how and to whom the revenue from vending machines in visiting rooms was disbursed**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, how and to whom the revenue from vending machines in visiting rooms was disbursed, for each of the years from 2000-2020.

FOIA G

All vending contracts, including commissary, by facility or facilities, for the years 2000-2020.

FOIA H.1

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **who were the sources of inmate benefit fund monies and how much did each account for in the aggregate**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, who were the sources of inmate benefit fund monies and how much did each account for in the aggregate, for each of the years from 2000-2020.

FOIA H.2

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **how and to whom inmate benefit fund monies were disbursed**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, how and to whom inmate benefit fund monies were disbursed, for each of the years from 2000-2020.

FOIA I

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of grievances**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate number of grievances by facility, for each of the years from 2000-2020.

FOIA J

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of grievances by type, facility, and month**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate number of grievances by type, and month, for each of the years from 2000-2020.

FOIA K

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate types of dispositions of the grievances by type of grievance, and month**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate types of dispositions of the grievances by type of grievance, and month, for each of the years from 2000-2020.

FOIA L

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting)**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting), for each of the years from 2000-2020.

the years from 2000-2020.

FOIA M

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of inmate gang status changes**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate number of inmate gang status changes, for each of the years from 2000-2020.

FOIA N.1

For the prison stock reports issued by the Illinois Department of Corrections between 2000-2020 please provide the following additional data per individual detailed in those reports

1. Mittimus
2. All data related to any individual that was recommitted for a technical violation This data should at a minimum should include:
 - a. Date
 - b. Technical violation type
 - c. Description of violation

FOIA N.2

Documents showing or containing, or raw data in electronic format related to, any individual that was recommitted for a technical violation from 2000-2020. At a minimum, this data should include:

- d. Date
- e. Technical violation type
- f. Description of violation
- g. Race
- h. Gender
- i. Age
- j. County

FOIA O

Documents showing or detailing, or raw data in electronic format regarding, all exits from your facilities. At a minimum, this data should include:

1. Exit Mechanism
2. Expected Mandatory Supervised Release (MRS)
3. Exit Data
4. Placement type
5. Earned Discretionary Sentencing Credit (EDSC)
6. Electronic Detention / Monitoring (ED)
7. Clemency
8. Furlough
9. Transfers

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FOIA P

For the years 2019 & 2020 please provide copies of the following public records related to the Illinois Department of Corrections' response to the COVID-19 pandemic:

1. Any materials provided to facilities related to early releases
2. Recommendations on applying sentencing credits
3. Guidelines or instructions for applying sentencing credit
4. Determinations on who to release early
5. What process was used to determine who to release early
6. Any other materials related to early releases in response to COVID-19

FOIA Q

Documents sufficient to show, or from which can be derived, the data related to discipline from 2000-2020. At a minimum, this data should include:

1. aggregate number of infractions by type, facility and year
2. aggregate number of times discipline was imposed on inmates by infraction type, discipline type, facility, and year
3. the number of times solitary confinement or administrative segregation was used by facility, offense type, duration, and year

FOIA R

Documents sufficient to show, or from which can be derived, the data related to inmate health care from 2000-2020. At a minimum, this data should include:

1. aggregate number requests from inmates by facility and year to see:
 - a. medical doctors
 - b. mental health specialists
 - c. counselors
2. aggregate number of times by facility and year that inmates are able to see:
 - a. medical doctors
 - b. mental health specialists
 - c. counselors
3. aggregate number of times inmates are hospitalized by cause, facility and year.

FOIA S

Documents sufficient to show, or from which can be derived, the data related to inmate deaths from 2000-2020. At a minimum, this data should include::

1. aggregate number of deaths by cause, facility, and year

FOIA T

Copies of prison projections that have been produced by you or any consultants retained by you from the time period of 2000-2020.

FOIA U

Records sufficient to show Your efforts to locate and produce the records requested in FOIAs A-S above. This should include:

1. Where you searched for responsive Records and Documents.
2. Who searched for responsive Records and Documents.
3. Who was requested to produce responsive Records and Documents.
4. The identify of any Records and Documents that were located but not produced for any reason.

DEFINITIONS

“Document” and/or “Documents” means any documents or electronically stored information of any kind—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

“You” or “Your” means the Illinois Department of Corrections, and all attorneys, employees, officers, directors, bureaus, offices, divisions or subdivisions of same.

“Inmate” means any inmate or prisoner in Your custody or control.

“Facility” means any penal, correctional, or incarcerative facility maintained, run, or overseen by You, or under Your authority. This includes privately-run, contracted facilities, if any such facilities exist.

INSTRUCTIONS

If the agency withholds any document or information pertinent to the requests made herein, please identify the document or information in as much detail as is possible, and detail in specific language why each document or piece of information is being withheld.

If any information requested herein is withheld on the basis of a claim of privilege or other protection as material prepared in anticipation of litigation or trial, then that claim shall be made expressly in a writing that describes the nature of the Documents, Communications, or Things not produced or disclosed in a manner that will enable us to assess the applicability of the privilege or protection. With regard to each claim of privilege or protection, the following information should be provided in the response or the objection:

- (a) the type of Document, e.g., letter or memorandum;
- (b) general subject matter of the Document;
- (c) the date of the Document;
- (d) such other information as is sufficient to identify the Document for a subpoena duces tecum, including, where appropriate, the author, addressee, and any other recipient of the Document, and, where not apparent, the relationship of the author, addressee, and any other recipient to each other; and
- (e) the nature of the privilege or protection;
- (f) if applicable, the litigation or trial of which the document was created in anticipation.

If any Document identified herein has been lost, discarded, or destroyed, each such Document should be identified as completely as possible, including as to each such Document, its date, general nature (e.g., letter, memorandum, telegram, telex, photograph, computer printout), subject matter, each author or originator, each person indicated as an addressee or copy recipient, and its former custodian(s). In addition, as to each such Document, the following information shall be supplied:

- (a) date of disposal, loss, or destruction;
- (b) manner of disposal, loss, or destruction;
- (c) reason for disposal or destruction, or any explanation of loss;
- (d) persons authorizing the disposal or destruction;
- (e) persons having knowledge of the disposal, destruction, or loss; and
- (f) persons who destroyed, lost, or disposed of the Document or Thing.

I look forward to hearing from you in writing within five working days, as required by the Act 5 ILCS 140(3). Please direct all questions or responses to this FOIA request to this email address by responding to this email. I can be reached at tsiska@chicagojustice.org

Tracy Siska

Tracy Siska | Executive Director
Chicago Justice Project | 105 W. Madison St., Suite 1500 | Chicago, IL 60604 | Ph. (312) 971-6745 |

tsiska@chicagojustice.org | www.chicagojustice.org |

Twitter: CJPJustProj

Hearing Date: 10/4/2022 9:30 AM
Location: Court Room 2402
Judge: Price Walker, Allen

FILED
6/3/2022 5:55 PM
IRIS Y. MARTINEZ
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COOK COUNTY, IL
2022CH05381
Calendar, 3
18160645

Appendix

B

FILED DATE: 6/3/2022 5:55 PM 2022CH05381



The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 14, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706036

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting)**, for each of the years from 2000-2020.

Response: Your request is denied pursuant to Section 5 ILCS 140/7(1)(a) of the Freedom of Information Act which exempts the release of "Information specifically prohibited from disclosure by Federal or State law or rules and regulations implementing Federal or State law." 730 ILCS 5/3-2-5(c) refers to a gang intelligence unit and that "all information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the department." That statute further states "due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed."

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer



The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 14, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706037

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of inmate gang status changes**, for each of the years from 2000-2020.

Response: Your request is denied pursuant to Section 5 ILCS 140/7(1)(a) of the Freedom of Information Act which exempts the release of "Information specifically prohibited from disclosure by Federal or State law or rules and regulations implementing Federal or State law." 730 ILCS 5/3-2-5(c) refers to a gang intelligence unit and that "all information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the department." That statute further states "due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed."

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 15, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706029

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following requests:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of vending machines in visiting rooms**, for each of the years from 2000-2020.

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the revenue from vending machines in visiting rooms**, for each of the years from 2000-2020.

Response: Your requests, as currently written, are burdensome (5 ILCS 170/3(g)). IDOC operates over 25 facilities that include vending machines and you are seeking 20 years of records. Every facility would have to search for these records at a time when IDOC is not fully staffed at facilities or its main office due to COVID-19 restrictions. Every record discovered would then need to be reviewed for redactions by the IDOC FOIA Unit which consists of 3 persons who currently have over 75 open Freedom of Information Act requests that it must process within the statutory time frame. Attempting to comply with this request would unduly burden the staff at the facilities and the FOIA Unit at the central office. Please narrow your request by time and facility so that IDOC may better process your request.

In the event you view this response as a denial of your request, you have a right to have the denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 15, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706033

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have requested the following:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of grievances**, for each of the years from 2000-2020.

Response: Your request, as currently written, is burdensome (5 ILCS 170/3(g)). IDOC operates over 25 facilities. You are seeking 20 years of records that are not centrally kept and are located at each individual facility. Every facility would have to search for these records at a time when IDOC is not fully staffed at facilities or its main office due to COVID-19 restrictions. Every record discovered would then need to be reviewed for redactions by the IDOC FOIA Unit which consists of three persons who currently have over 75 open Freedom of Information Act requests that must be processed within the statutory time frame. Attempting to comply with this request would unduly burden the staff at the facilities and the FOIA Unit at the central office. Please narrow your request by time and facility so that IDOC may better process your request.

In the event you view this response as a denial of your request, you have a right to have the denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 15, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706034

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You submitted the following request:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of grievances by type, facility, and month**, for each of the years from 2000-2020.

Response: Your request, as currently written, is burdensome (5 ILCS 170/3(g)). IDOC operates over 25 facilities. You are seeking 20 years of records that are not centrally kept and are located at each individual facility. Every facility would have to search for these records at a time when IDOC is not fully staffed at facilities or its main office due to COVID-19 restrictions. Every record discovered would then need to be reviewed for redactions by the IDOC FOIA Unit which consists of three persons who currently have over 75 open Freedom of Information Act requests that must be processed within the statutory time frame. Attempting to comply with this request would unduly burden the staff at the facilities and the FOIA Unit at the central office. Please narrow your request by time and facility so that IDOC may better process your request.

In the event you view this response as a denial of your request, you have a right to have the denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

FILED DATE: 6/3/2022 5:55 PM 2022CH05381

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 15, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706035

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate types of dispositions of the grievances by type of grievance, and month**, for each of the years from 2000-2020.

Response: IDOC does not possess or maintain records responsive to this request. Responses to grievances are not tracked in an aggregate manner.

In the event you view this response as a denial of your request, you have a right to have the denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

FILED DATE: 6/3/2022 5:55 PM 2022CH05381

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 16, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706030

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **how and to whom the revenue from vending machines in visiting rooms was disbursed**, for each of the years from 2000-2020.

Response: Your request is vague. A reasonable description requires the requested record to be reasonably identified. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32-33 (Ill. App. 1989); *Yeager v. DEA*, 678 F. 2d 315, 326 (D.C. Cir. 1982) ("The linchpin inquiry is whether the agency is able to determine precisely what records [are] being requested.").

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

JB Pritzker
Governor



Rob Jeffreys
Acting Director

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 16, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706044

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Copies of prison projections that have been produced by you or any consultants retained by you from the time period of 2000-2020.

Response: Your request is vague. A reasonable description requires the requested record to be reasonably identified. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32-33 (Ill. App. 1989); *Yeager v. DEA*, 678 F. 2d 315, 326 (D.C. Cir. 1982) ("The linchpin inquiry is whether the agency is able to determine precisely what records [are] being requested.").

If you are seeking IDOC's quarterly reports, they are available from 2011 to present on IDOC's website at: <https://www2.illinois.gov/idoc/reportsandstatistics/Pages/QuarterlyReports.aspx>.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc



The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 16, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706045

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Records sufficient to show your efforts to locate and produce the records requested in FOIAs A-S above. This should include:

1. Where you searched for responsive Records and Documents.
2. Who searched for responsive Records and Documents.
3. Who was requested to produce responsive Records and Documents.
4. The identify of any Records and Documents that were located but not produced for any reason.

Response: Your request is denied pursuant to 5 ILCS 140/7(1)(f) of the Freedom of Information Act which exempts the release of "Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents."

Your request is also denied pursuant to 5 ILCS 140/7(1)(m) of the Freedom of Information Act which exempts the release of "Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies."

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer



The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 17, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706042

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

Documents sufficient to show, or from which can be derived, the data related to inmate health care from 2000-2020. At a minimum, this data should include:

1. aggregate number requests from inmates by facility and year to see:
 - a. medical doctors
 - b. mental health specialists
 - c. counselors
2. aggregate number of times by facility and year that inmates are able to see:
 - a. medical doctors
 - b. mental health specialists
 - c. counselors
3. aggregate number of times inmates are hospitalized by cause, facility and year.

Response: Your request, as currently written, is burdensome (5 ILCS 170/3(g)). You are seeking 20 years of records that are not centrally located. Health care staff would have to search for and compile these records at a time when those employees' main duty concerns the health care of inmates during the COVID-19 pandemic. Attempting to comply with this request would unduly burden health care staff and take away from the time they can spend on their daily duties. Please significantly narrow the time frame of your request so that IDOC may better process it.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

www.illinois.gov/idoc

In the event you view this response as a denial of your request, you have a right to have the denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for review with the PAC to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706

You also have the right to seek judicial review of your denial by filing a lawsuit in the state circuit court, pursuant to 5 ILCS 140/11.

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a request for review with the PAC.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

Hearing Date: 10/4/2022 9:30 AM
Location: Court Room 2402
Judge: Price Walker, Allen

FILED
6/3/2022 5:55 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022CH05381
Calendar, 3
18160645

Appendix

C

FILED DATE: 6/3/2022 5:55 PM 2022CH05381

From: Tracy Siska tsiska@chicagojustice.org
Subject: Re: [External] Chicago Justice Project FOIAs 070620
Date: September 23, 2021 at 4:02 PM
To: Maggie.meikle@illinois.gov
Cc: DOC.FOIARequest DOC.FOIARequest@illinois.gov



Ms. Maggie Meikle
Freedom of Information Officer
Illinois Department of Corrections
1301 Concordia Court, PO Box 19277
Springfield, IL 62794
Lisa.weitekamp@illinois.gov

Dear Ms. Weitekamp:

This letter responds to our email correspondence from July of 2020. Illinois law expressly provides that all persons are entitled to full and complete information regarding the affairs of government and 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. In Illinois, all records in the custody or possession of a public body are presumed to be open to inspection or copying – including, in particular, electronic data. 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. 5 ILCS at 140/1.2. FOIA exemptions are narrowly applied, in keeping with the legislature's intent that Illinois's 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.

ILDOC's practices are making it impossible for members of the public to exercise their legal rights to access, analyze, and review ILDOC's full and complete public data that is and must be legally open for public review.

ILDOC must produce documents regarding inmate deaths in custody; any documentation on building exits for each ILDOC facility; and any documents or data kept on individuals recommitted for a technical violation.

FOIAS S, O, and N from Freedom of Information Request #200706040 request the above information, but ILDOC failed to respond to these requests. According to 5 ILCS 140/3(d), failure to respond to a request is considered a denial of that request. Our correspondence as to the other requests on this form is completely silent as to why these records were denied. In fact, ILDOC does not even address the fact that these records were denied.

Even when agencies are rightfully withholding documents exempt from FOIA, Illinois law requires the denying agency to provide clear and convincing evidence that the data requested is exempt. 5 ILCS 140/1.2. If these records really are exempt, ILDOC had the burden of proving so and explaining why. We consider ILDOC's failure to offer any explanation – much less clear and convincing evidence – for the denial to be a waiver.

Please produce these records immediately.

ILDOC must provide further information on the types of records kept at every facility as well as their search capabilities as we have now entered another phase of COVID-19 protocols.

In response to our July 6th, 2020 request, ILDOC told us that certain of our record requests were overly burdensome as written. These included the following: documents relating to vending machines across ILDOC facilities; data relating to grievances filed at all facilities; and documents regarding the healthcare available to inmates. Though these were treated as different requests and denied as such, each "overly burdensome" denial begins by stating that there are over 25 facilities under ILDOC's control, and that due to the COVID-19 restrictions, the FOIA department would have to turn their attention to other requests. None of the letters from ILDOC give any further information regarding the numbers of records, types of records, how the records are stored, and what kind of review these records would be subject to. Without this information, the Chicago Justice Project is unable to determine whether ILDOC was complying with Illinois law in claiming that these records are exempt from FOIA disclosure. A Court will be unable to make that determination also.

Your denial references COVID-19. But by the time ILDOC wrote their denial in July of 2020, mayor Lori Lightfoot had already lost a bid to suspend FOIA across Illinois. Therefore, it should have been clear that the pandemic was not going to change ILDOC's requirement to search for, redact, and produce records upon request.

To demonstrate the importance of transparency even in FOIA denials, it's helpful to examine prior Illinois case law. In *Hites v. Waubensee Cmty. College*, the plaintiff won his suit on appeal after an evidentiary hearing, during which both

parties produced affidavits regarding the way the data was stored and the work that needed to be done to retrieve the records. *Hites v. Waubonsee Cmty. Coll.*, 427 Ill. Dec. 23, 117 N.E.3d 408 (2018). Plaintiff was only able to bring the case in the first place because the initial denial gave him an idea of how many records there were. *Id.* Further, because the government disclosed the fact that the files were stored digitally, plaintiff was able to prove that the government had badly overestimated the amount of time it would take to find and produce the records. *Id.*

By refusing to give us this type of information, ILDOC is severely limiting our ability to evaluate our path forward.

As noted above, Illinois law requires the denying agency to provide clear and convincing evidence that the data requested is exempt, or otherwise supporting a denial. 5 ILCS 140/1.2. ILDOC had the burden of proving burden by clear and convincing evidence. We consider ILDOC's failure to offer any explanation – much less clear and convincing evidence – for the “burden” to be a waiver.

Please reevaluate your position on these records, and engage in good faith in production of records that are not burdensome; or produce all of these records immediately.

ILDOC improperly claimed that our request was overly vague.

According to *Kenyon v. Garrels*, a request is considered overly vague when the responding agency cannot determine which records the plaintiff is requesting. 132 Ill. Dec. 595, 540 N.E.2d 11 (1989). ILDOC cited this case to claim that two of our requests were overly vague and thus exempt from disclosure. The first of these requests (request F) reads as follows:

“Documents sufficient to show (or from which may be derived), on a facility by facility basis, **how and to whom the revenue from vending machines in visiting rooms was disbursed**, for each of the years from 2000-2020. “

The other, Request T, reads:

“Copies of prison **projections that have been produced by you or any consultants retained by you** from the time period of 2000-2020”

Both of these requests are written in plain English, specify the records requested and in some cases even includes specific ways of grouping the data so as to be more intelligible. ILDOC did not elaborate further as to why these requests were “overly vague”, effectively preventing the Chicago Justice Project from replying with more concise requests. Additionally, the inconsistency between the denials regarding vending machines and vending machine revenue suggests that neither of these requests were given proper consideration. Instead, it seems as though they were rejected for arbitrary reasons, as evidenced by the similarity in denial letters. Some of the denials in the letters only varied from each other by a few key words or a sentence.

As noted above, Illinois law requires the denying agency to provide clear and convincing evidence that the data requested is exempt, or otherwise supporting a denial. 5 ILCS 140/1.2. ILDOC had the burden of proving vagueness by clear and convincing evidence. We consider ILDOC's failure to offer any explanation – much less clear and convincing evidence – for the “vagueness” to be a waiver.

Please reevaluate your position on these records, and engage in good faith in a fair evaluation or clarification of the requests; or produce all of these records immediately.

Aggregate totals for gang affiliation.

Illinois Freedom of Information Act places the burden on public bodies to prove definitely that the costs of releasing records & data in their possession outweigh the benefits to the public.

In response to FOIA L regarding our request to obtain aggregate totals per facility for the number of inmates either determined to be affiliated with a gang (either by investigation, internal affairs, or self-reporting) IDOC used an overly broad exemption to attempt to shield information that in no way could endanger any individuals, ongoing investigations, or investigatory methods. CJP's request is purposely worded in such a way to allow for the complete anonymization of the inmates and does not in any way refer to or request records regarding any current or past investigations.

Please reevaluate your position on these records and produce all of these records immediately.

Illinois' Freedom of Information Act Demands ILDOC's Immediate Compliance.

As mentioned above, 5 ILCS 140/3(d), stipulates that failure to respond to a request is considered a denial of that request. As a result of these numerous denials, the Chicago Justice Project is entitled, but not required, to have the legitimacy of the responses reviewed by the Public Access Counselor. Should the Public Access Counselor find the denials to be improper, ILDOC will be compelled to produce the documents. Further, the Chicago Justice Project is entitled to file suit for injunctive relief, whether they exercise the option to submit the matter to a Public Access Counselor or not. Chicago Justice Project prefers to engage in good faith with responding agencies; but if you continue to obstruct production of the requested records, you are leaving us very few options other than review by the Courts or the Public Access Counselor.

Sincerely,

Tracy Siska

Executive Director

Tracy Siska | Executive Director

Chicago Justice Project | 105 W. Madison St., Suite 1500 | Chicago, IL 60604 | Ph. (312) 971-6745 |

tsiska@chicagojustice.org | www.chicagojustice.org |

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On Jul 17, 2020, at 8:42 AM, DOC.FOIARequest <DOC.FOIARequest@illinois.gov> wrote:

Response C attached.

From: Tracy Siska <tsiska@chicagojustice.org>

Sent: Monday, July 06, 2020 9:57 AM

To: DOC.FOIARequest <DOC.FOIARequest@illinois.gov>

Subject: [External] Chicago Justice Project FOIAs 070620

To: Illinois Department of Corrections

Re: Chicago Justice Project FOIA Requests

In accordance with the Illinois Freedom of Information Act, 5 ILCS 140, I request that your office provide the following public records:

FOIA A

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate weekly number of visits to inmates**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the aggregate weekly number of visits to inmates, for each of the years from 2000-2020.

FOIA B

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate weekly number of video visits to inmates**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the aggregate weekly number of video visits to inmates, for each of the years from 2000-2020.

FOIA C

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates who receive at least one visit per year**, for each of the years from 2000-

2020

2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the number of inmates who receive at least one visit per year, for each of the years from 2000-2020

FOIA D

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates who receive at least one video visit per year**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the number of inmates who receive at least one visit per year, for each of the years from 2000-2020.

FOIA E.1

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of vending machines in visiting rooms**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the number of vending machines in visiting rooms, for each of the years from 2000-2020.

FOIA E.2

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the revenue from vending machines in visiting rooms**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, what was the revenue from vending machines in visiting rooms, for each of the years from 2000-2020.

FOIA F

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **how and to whom the revenue from vending machines in visiting rooms was disbursed**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, how and to whom the revenue from vending machines in visiting rooms was disbursed, for each of the years from 2000-2020.

FOIA G

All vending contracts, including commissary, by facility or facilities, for the years 2000-2020.

FOIA H.1

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **who were the sources of inmate benefit fund monies and how much did each account for in the aggregate**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, who were the sources of inmate benefit fund monies and how much did each account for in the aggregate, for each of the years from 2000-2020.

FOIA H.2

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **how**

and to whom inmate benefit fund monies were disbursed, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, how and to whom inmate benefit fund monies were disbursed, for each of the years from 2000-2020.

FOIA I

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of grievances**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate number of grievances by facility, for each of the years from 2000-2020.

FOIA J

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of grievances by type, facility, and month**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate number of grievances by type, and month, for each of the years from 2000-2020.

FOIA K

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate types of dispositions of the grievances by type of grievance, and month**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate types of dispositions of the grievances by type of grievance, and month, for each of the years from 2000-2020.

FOIA L

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting)**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the number of inmates either determined to be affiliated with a gang (either by investigation, Internal Affairs, or self-reporting), for each of the years from 2000-2020.

FOIA M

Documents sufficient to show (or from which may be derived), on a facility by facility basis, **the aggregate number of inmate gang status changes**, for each of the years from 2000-2020.

In order to reduce the burden of responding to this FOIA request, in the alternative to producing all such documents, we would accept as a complete response to this FOIA if you simply answered on a facility by facility basis, the aggregate number of inmate gang status changes, for each of the years from 2000-2020.

FOIA N.1

For the prison stock reports issued by the Illinois Department of Corrections between 2000-

2020 please provide the following additional data per individual detailed in those reports

1. Mittimus
2. All data related to any individual that was recommitted for a technical violation This data should at a minimum should include:
 - a. Date
 - b. Technical violation type
 - c. Description of violation

FOIA N.2

Documents showing or containing, or raw data in electronic format related to, any individual that was recommitted for a technical violation from 2000-2020. At a minimum, this data should include:

- d. Date
- e. Technical violation type
- f. Description of violation
- g. Race
- h. Gender
- i. Age
- j. County

FOIA O

Documents showing or detailing, or raw data in electronic format regarding, all exits from your facilities. At a minimum, this data should include:

1. Exit Mechanism
2. Expected Mandatory Supervised Release (MRS)
3. Exit Data
4. Placement type
5. Earned Discretionary Sentencing Credit (EDSC)
6. Electronic Detention / Monitoring (ED)
7. Clemency
8. Furlough
9. Transfers

FOIA P

For the years 2019 & 2020 please provide copies of the following public records related to the Illinois Department of Corrections' response to the COVID-19 pandemic:

1. Any materials provided to facilities related to early releases
2. Recommendations on applying sentencing credits
3. Guidelines or instructions for applying sentencing credit
4. Determinations on who to release early
5. What process was used to determine who to release early
6. Any other materials related to early releases in response to COVID-19

FOIA Q

Documents sufficient to show, or from which can be derived, the data related to discipline from 2000-2020. At a minimum, this data should include:

1. aggregate number of infractions by type, facility and year
2. aggregate number of times discipline was imposed on inmates by infraction type, discipline type, facility, and year
3. the number of times solitary confinement or administrative segregation was used by facility, offense type, duration, and year

FOIA R

Documents sufficient to show, or from which can be derived, the data related to inmate health care from 2000-2020. At a minimum, this data should include:

1. aggregate number requests from inmates by facility and year to see:
 - a. medical doctors
 - b. mental health specialists
 - c. counselors
2. aggregate number of times by facility and year that inmates are able to see:
 - a. medical doctors
 - b. mental health specialists
 - c. counselors
3. aggregate number of times inmates are hospitalized by cause, facility and year.

FOIA S

Documents sufficient to show, or from which can be derived, the data related to inmate deaths

Documents sufficient to show, or from which can be derived, the data related to inmate deaths from 2000-2020. At a minimum, this data should include::

1. aggregate number of deaths by cause, facility, and year

FOIA T

Copies of prison projections that have been produced by you or any consultants retained by you from the time period of 2000-2020.

FOIA U

Records sufficient to show Your efforts to locate and produce the records requested in FOIAs A-S above. This should include:

1. Where you searched for responsive Records and Documents.
2. Who seared for responsive Records and Documents.
3. Who was requested to produce responsive Records and Documents.
4. The identify of any Records and Documents that were located but not produced for any reason.

DEFINITIONS

“Document” and/or “Documents” means any documents or electronically stored information of any kind—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

“You” or “Your” means the Illinois Department of Corrections, and all attorneys, employees, officers, directors, bureaus, offices, divisions or subdivisions of same.

“Inmate” means any inmate or prisoner in Your custody or control.

“Facility” means any penal, correctional, or incarcerative facility maintained, run, or overseen by You, or under Your authority. This includes privately-run, contracted facilities, if any such facilities exist.

INSTRUCTIONS

If the agency withholds any document or information pertinent to the requests made herein, please identify the document or information in as much detail as is possible, and detail in specific language why each document or piece of information is being withheld.

If any information requested herein is withheld on the basis of a claim of privilege or other protection as material prepared in anticipation of litigation or trial, then that claim shall be made expressly in a writing that describes the nature of the Documents, Communications, or Things not produced or disclosed in a manner that will enable us to assess the applicability of the privilege or protection. With regard to each claim of privilege or protection, the following information should be provided in the response or the objection:

- (a) the type of Document, e.g., letter or memorandum;
- (b) general subject matter of the Document;
- (c) the date of the Document;
- (d) such other information as is sufficient to identify the Document for a subpoena duces tecum, including, where appropriate, the author, addressee, and any other recipient of the Document, and, where not apparent, the relationship of the author, addressee, and any other recipient to each other; and
- (e) the nature of the privilege or protection;

(e) the nature of the privilege or protection,

(f) if applicable, the litigation or trial of which he document was created in anticipation.

If any Document identified herein has been lost, discarded, or destroyed, each such Document should be identified as completely as possible, including as to each such Document, its date, general nature (e.g., letter, memorandum, telegram, telex, photograph, computer printout), subject matter, each author or originator, each person indicated as an addressee or copy recipient, and its former custodian(s). In addition, as to each such Document, the following information shall be supplied:

- (a) date of disposal, loss, or destruction;
- (b) manner of disposal, loss, or destruction;
- (c) reason for disposal or destruction, or any explanation of loss;
- (d) persons authorizing the disposal or destruction;
- (e) persons having knowledge of the disposal, destruction, or loss; and
- (f) persons who destroyed, lost, or disposed of the Document or Thing.

I look forward to hearing from you in writing within five working days, as required by the Act 5 ILCS 140(3). Please direct all questions or responses to this FOIA request to this email address by responding to this email. I can be reached at tsiska@chicagojustice.org

Tracy Siska

Tracy Siska | Executive Director
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<Siska, Tracy Response C.pdf><FOIA C - Number of visit by year.xlsx>

