

From: Chad Kolitwenzew [<mailto:ckolitwenzew@k3county.net>]

Sent: Tuesday, April 14, 2020 1:59 PM

To: 'McCabe, Ken'; 'Schultz, Rob'

Cc: mdowney@k3county.net

Subject: RE: Freedom of Information Act Request - Jerome Combs Detention Center, Kankakee County, COVID-19 response

1)The Kankakee County Jail has established a comprehensive set of precautionary measures to limit the risk of COVID-19 transmission into and inside the Kankakee County Jail. No prisoner or staff member has tested positive for COVID-19 or is known to have been exposed to the virus. The Kankakee County Jail is committed to providing all necessary precautionary measures and supportive therapies to avoid an outbreak of COVID-19, including taking all of the preventative actions advised by the Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health regarding the disease.

Kankakee County Jail officials have substantial experience ensuring that viral outbreaks do not occur at their facilities. They recognize the unique threat posed by the transmission of viruses inside a jail. That being said, health and prison officials recognize that COVID-19 carries an increased risk of transmission, carries a higher fatality rate than many other viruses, and has resulted in a state of emergency nationwide. Accordingly, the Kankakee County Jail has employed the following measures^[1]:

- *Social Visitation.* The Kankakee County Jail has placed a temporary hold on all social visits, such as visits from friends and family, to limit the number of people entering the Kankakee County Jail and interacting with detainees. Detainees can conduct social visitation via video equipment. In-person attorney visits are also temporarily suspended. Attorney visits are to be conducted through the detainee's iPads or telephones. The only in-person visits allowed during this time are visits with medical staff.
- *Detainees Entering the Facility.* The Kankakee County Jail houses both state and federal detainees and, at this time, fewer detainees are entering the facility. Kankakee County Jail has suspended accepting inmates sentenced to weekends, work release, or any intermittent sentence.
- *Screening Procedures.* In the few instances in which a new detainee enters the Kankakee County Jail, he or she will be screened for symptoms and must complete the risk assessment questionnaire. The screening process includes taking the detainee's temperature. All new inmates will remain in a separate pod from 5-14 days until cleared by medical.
- *Detainee Movement.* The district court's Second Amended General Order, dated March 30, 2020, postponed all criminal trials and hearings scheduled to commence on or before May 29, 2020. This means that federal detainees will

^[1] Because the health situation is rapidly evolving, new policies and procedures at the Kankakee County Jail are constantly being implemented.

not need to leave the Kankakee County Jail during this period for any court appearances, except for emergencies. Similarly, Administrative Order 20-06 of the Circuit Court for the Twenty-First Judicial Circuit has suspended many court dates for criminal misdemeanor and felony cases until at least April 17, 2020.^[2] In the event that a detainee has a court appearance, he will be screened for symptoms before entering the transport van and, upon reaching the courthouse, his temperature will be taken via a forehead thermal reader to ensure he does not have a fever.

- *Sanitation and Hygiene.* Detainees are provided with soap to wash their hands at any time throughout the day. Bottles of disinfectant are also stocked in all housing units. In addition, the Kankakee County Jail is conducting daily disinfection routine three times a day, which includes door handles, toilets, showers and tables. Hand sanitizer is stocked in every housing unit. Detainee restraints are disinfected after each use.
- *Quarantine.* The Kankakee County Jail is following the CDC guidelines regarding testing for COVID-19 and isolation of individuals with symptoms and/or risk exposure factors. If a detainee exhibits flu-like symptoms, they will be isolated. If a detainee exhibits COVID-19 symptoms, he will be isolated in a negative pressure room (air is not circulated to the other parts of the jail) for further observation and treatment by the facility's medical staff. Asymptomatic inmates with exposure risk factors are quarantined.
- *Correctional Officers.* Although correctional officers will need to enter and re-enter the facility, they have been ordered to stay home if they have any symptoms of the disease. Enhanced health screening of staff will be implemented in areas with "sustained community transmission," as determined by the CDC. Such screening includes self-reporting and temperature checks for the 30 days following March 13th, at which time the process will be reevaluated. All Corrections staff and employees where proper PPE (Masks, protective glasses and gloves).
- *Update.* As of today, 04/14/20 we have ZERO cases of Covid-19.

2) As for your second request, I would direct you to contact ICE as they maintain this information. I must respectfully deny your request for any records we have at this time due to the fact that there is federal law that prohibits disclosure of detainee information. I would again direct you to 5 ILCS 14017 Section 7 Exemptions 1(a) which states records are exempt from disclosure if: Information specifically prohibited from disclosure by Federal or State law or rules and regulations implementing Federal or State law.
8 C.F.R 236.6 No person, including any state or local government entity or any privately operated detention facility, that houses, maintains, provides services to, or otherwise holds

^[2] Available at http://www.k3county.net/images/ao2020_06covid19KankakeeIroquois.pdf (accessed Mar. 27, 2020, 5:00 p.m.).

any detainee on behalf of the Service (whether by contract or otherwise), and no other person who by virtue of any official or contractual relationship with such person obtains information relating to any detainee, shall disclose or otherwise permit to be made public the name of, **or other information relating to, such detainee**. Such information shall be under the control of the Service and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders. Insofar as any documents or other records contain such information, such documents shall not be public records. This section applies to all persons and information identified or described in it, regardless of when such persons obtained such information, and applies to all requests for public disclosure of such information, including requests that are the subject of proceedings pending as of April 17, 2002. I would like to also advise you that ICE is aware of your request and objects to state disclosure of detainee information (as this information is subject to the federal FIOA) and requests that you file a FOIA for information falling under the purview of ICE directly with ICE. You can email your request to ICE-FOIA@dhs.gov, or fax it to (202) 732-4265 d to: Immigration and Customs Enforcement Freedom of Information Act Office 500 12th Street, S.W., Stop 5009 Washington, D.C. 20536-5009

<mailto:ICE-FOIA@dhs.gov>

You have a right to have this 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 a Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
5000 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You also have the right to seek judicial review of your denial by filing a lawsuit in the State Circuit Court. 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 14019.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filling a Request for Review with the PAC.

If I can be on any further assistance, please do not hesitate to contact me.

Sincerely,
Ken McCabe
Chief Deputy
Kankakee County Sheriff's Office

From: Jesse Franzblau [<mailto:jfranzblau@heartlandalliance.org>]

Sent: Friday, April 10, 2020 6:16 PM

To: 'kmccabe@k3county.net'

Subject: Freedom of Information Act Request – Jerome Combs Detention Center, Kankakee County, COVID-19 response

Dear FOIA Officer:

Under the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 140, I am requesting copies of the public records in the possession of the Kankakee County Sheriff’s Office. Please provide copies of any and all existing public records related to the Kankakee County Jarome Combs Detention Center (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 related to the implementation of any COVID-19 policies, including but not limited to: records of any inspections or assessments conducted in response to COVID-19; records and communications evaluating the facility’s preparedness for COVID-19; and 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.
2. Records related to the facility’s current capacity to deal with COVID-19, including but not limited to: Records identifying immigrant detainees who are particularly vulnerable to COVID-19, including elderly immigrant detainees or immigrant detainees with underlying health conditions.

Please limit the scope of my request to records produced from December 1, 2019 to present.

We request that responsive records be produced in an electronic format, preferably in a portable document format (PDF).

Should you deny our request, or any part of the request, please state in writing the basis for the denial, including the specific exemption claimed to authorize the denial under 5 ILCS 140/7; 5 ILCS 140/9. In addition, should you claim exemption for a record which also contains any material which is not exempt, we request that you delete the information which is exempt and make the remaining available to us, as required by 5 ILCS 140/7.

The National Immigrant Justice Center (NIJC) is a non-profit, which represents the rights of immigrants and disseminates information and reports to educate the public on immigration policy matters. We request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in our commercial interest. 5 ILCS 140/6(c). If you decline to waive these fees, please notify us of these fees before fulfilling this request.

We look forward to hearing from you in writing within five working days, as required by the Act, 5 ILCS 140/3(d). If you have any questions regarding this request, please contact Jesse Franzblau at (202) 879-4312 or jfranzblau@heartlandalliance.org.

Sincerely,

Sincerely,
/s/ Jesse Franzblau

Senior Policy Analyst

National Immigrant Justice Center

1099 New York Ave, NW, Suite 1100

Washington, DC, 20001

(t): 202-879-4312

Email: jfranzblau@heartlandalliance.org