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U.S. ANNOUNCES COMPREHENSIVE, COOPERATIVE AGREEMENT WITH COOK COUNTY BOARD AND SHERIFF TO REMEDY VIOLATIONS AND ENSURE CONSTITUTIONAL RIGHTS OF INMATES AT COOK COUNTY JAIL

CHICAGO — The United States has entered into a comprehensive, cooperative agreement with Cook County and the Cook County Sheriff that resolves previous findings of unconstitutional conditions at the Cook County Jail, the United States Attorney's Office and the Justice Department's Civil Rights Division announced today. The agreement resolves the United States' investigation, which began in 2007 and concluded in 2008 that the jail systematically violated inmates' constitutional rights by the use of excessive force by staff, the failure to protect inmates from harm by fellow inmates, inadequate medical and mental health care, and a lack of adequate fire safety and sanitation.

The agreement was filed today together with a new federal lawsuit. The 60-page document, called an Agreed Order, is pending approval by a federal judge in U.S. District Court in Chicago. The jail is the nation's largest single-site county jail, consisting of multiple buildings located on 96 acres on Chicago's West Side, with an average daily population of more than 8,500 adult male and female inmates.

Under the agreement, Cook County and the Sheriff will implement detailed remedial measures to ensure that jail inmates are safe and receive the services necessary to meet their constitutional rights, including hiring more than 600 additional correctional officers over the next year. Other highlights include comprehensive provisions aimed at changing the jail's permissive culture surrounding the excessive use of force, including steps directed at proper investigation of excessive force allegations; as well as improving jail policies, procedures and practices to protect inmates from harm by providing adequate medical and mental health care, fire and suicide prevention, sanitation, and employee training.

Compliance with the agreement will be overseen by four mutually selected, independent monitors, who will be paid by the county and will exercise broad duties, respectively, over corrections, medical care, mental health care, and the physical plant. Beginning in four months, the monitors are required to issue status reports to the court every six months. The agreement lists eight separate substantive sections and terminates as to each of those sections when Cook County and the Sheriff have achieved "substantial compliance" with the provisions regarding each of those sections and then maintain that compliance for 18 months. The agreement anticipates that the parties will achieve substantial compliance with all provisions within four years.

"We are pleased that with the cooperation of Sheriff Dart and the County, we have achieved a rigorous, comprehensive agreement that will remedy the unconstitutional conditions that were found at the Cook County Jail," said Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois. "Inmates are entitled to conditions of confinement that pass constitutional muster."

Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, said: "It is a jurisdiction's basic responsibility to protect those persons in its custody from harm and to uphold

their constitutional rights. We have worked cooperatively with Cook County officials to craft an agreement to ensure that the constitutional rights of Cook County jail inmates are protected, and we commend Sheriff Dart, Cook County and the Cook County Department of Corrections for their willingness to work aggressively to remedy these problems.”

The Civil Rights Division and the U.S. Attorney’s Office began investigating the jail in February 2007, pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA), a federal civil rights law that authorizes the Attorney General to investigate and root out systemic abuses of persons confined in adult detention and correctional facilities. The investigation included two week-long on-site visits to the jail in 2007 and the review of documents dating back to January 2006. The United States’ findings were delivered in July 2008 to Cook County Board President Todd H. Stroger and Sheriff Thomas Dart and were made public later that same month.

According to the 2008 findings, three jail inmates committed suicide in the first four months of that year alone. The investigation further identified, since 2006, multiple preventable inmate deaths and a preventable amputation due to inadequate medical care, and separate incidents of unchecked inmate violence in 2006 that resulted in two inmate deaths. The 2008 findings also concluded that inmates were regularly subjected to inappropriate and excessive use of physical force by jail staff, even when inmates posed no threat to anyone’s safety or to the jail’s security.

The lawsuit filed today names as defendants: Cook County, Sheriff Dart, Board President Stroger, and the Cook County Board of Commissioners, all in their official capacity. All corrections and security functions at the jail are administered by the Sheriff through the Department of Corrections, while health care services are provided by Cermak Health Services of Cook County, a part of the Cook County Bureau of Health. According to the agreement, “throughout the course

of the investigation, the United States received complete cooperation and access to all facilities and documents from the Cook County Board of Commissioners and the Cook County Sheriff's Office.”

Under the agreement, the Department of Corrections is required to hire, train and put on duty at least 448 new corrections officers by Dec. 31, 2010, and an additional 174 new corrections officers by March 30, 2011. Other provisions require increased supervision of inmate housing areas, including regular inspections to prevent inmate possession of dangerous contraband. The county must also increase overhead video surveillance and recording cameras throughout the common areas of the jail.

Other terms include measures to appropriately identify the excessive use of force by staff, including investigations triggered by suspicious inmate injuries and inconsistent reports by staff, which must be written with sufficient detail. All injuries sustained by inmates and staff must be photographed, and disciplinary action must be proposed for correctional officers who either engage in excessive use of force or fail to accurately report any incidents involving use of force.

The County-operated Cermak Hospital, located at the jail, must develop policies and procedures to ensure constitutionally adequate medical and mental health care, including suicide prevention. Detailed provisions require sufficient levels of staffing, an adequate medication distribution system, unified medical and mental health records, and timely access to all levels of medical and mental health care, including specialists. Inmates with serious mental illness must be treated with therapy and other mental health programs, according to the agreement, and an inmate's serious mental illness must be considered in determining the appropriateness of segregation and other disciplinary measures.

The United States has been represented by former Assistant U.S. Attorney Joan Laser, while Assistant U.S. Attorney Patrick Johnson, together with Kerry Krentler Dean, David Deutsch and

Corey Sanders, Trial Attorneys in the Special Litigation Section of the Civil Rights Division,
continue to represent the United States.

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