



April 21, 2020

VIA ONLINE PORTAL

Cook County Sheriff's Office
Attn: Freedom of Information Officer
Richard J. Daley Center
50 West Washington, Room 704
Chicago, Illinois 60602

Re: Freedom of Information Law Request

Dear Records Access Officer:

Pursuant to the Illinois Freedom of Information Act (FOIA), 5 ILCS § 140, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Cook County Sheriff's Office promptly produce the following:

1. All email communications (including email messages, complete email chains, email attachments, calendar invitations) sent by the government officials specified below containing any of the following key terms:
 - a) Sheriff Thomas Dart
 - b) Chief of Staff Bradley Curry
 - c) First Deputy Chief of Staff Tarry Williams
 - d) Undersheriff Zelda Whittler
 - e) Cook County Jail Executive Director Amanda Gallegos

Key Terms:

- | | |
|------------------------------|-----------------|
| 1. Coronavirus | 11. "2019-nCOV" |
| 2. Corona | 12. POTUS |
| 3. Virus | 13. Test |
| 4. Disease | 14. Wuhan |
| 5. Pandemic | 15. Hoax |
| 6. Epidemic | 16. Cluster |
| 7. Outbreak | 17. Seeded |
| 8. "public health emergency" | 18. Quarantine |
| 9. COVID | 19. Screening |
| 10. SARS | 20. 100.4 |



21. Asymptomatic
22. Symptomatic
23. Ventilator
24. Ventilators
25. Distancing
26. N95
27. Mask

28. Masks
29. Respirator
30. Respirators
31. "hand sanitizer"
32. Soap
33. Securus
34. "sick leave"

Please provide all responsive records from February 24, 2020, through the date of the search.

In an effort to accommodate Cook County and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Cook County Jail Executive Director Amanda Gallegos's response to an email and the initial received message are responsive to this request and should be produced.

This request includes all prior messages (whether incoming or outgoing) reflected in the responsive correspondence and any attachments thereto.

As described in more detail below, American Oversight is a 501(c)(3) nonprofit organization and the principal purpose of this request is "to access and disseminate information concerning news and current or passing events" and for "public research or education." 5 ILCS § 140/2(g)-(h). Accordingly, American Oversight should not be considered a "recurrent requester," nor should this request be treated as a "voluminous request" under the Illinois FOIA. *Id.*

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure pursuant to Illinois Freedom of Information Act, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 ILCS § 140/7(1). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and you can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis. Please consult with American Oversight on any fees the agency expects it may assess.

Fee Waiver Request

In accordance with 5 ILCS § 140/6(c), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request “is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.”¹

The public has a significant interest in records describing the COVID-19 outbreak at the Cook County Jail. This outbreak is one of the largest in the country and has garnered national media attention.² As of the time of writing, three people have already died from the disease caused by the

¹ 5 ILCS § 140/6(c).

² *See, e.g.,* Cheryl Corley, *The COVID-19 Struggle in Chicago’s Cook County Jail*, NPR (Apr. 13, 2020, 6:09 PM), <https://www.npr.org/2020/04/13/833440047/the-covid-19-struggle-in-chicagos-cook-county-jail>.

coronavirus within the facility.³ Information from this request could help members of the public, as well as policy makers, understand what steps officials took to protect people incarcerated in Cook County Jail and how to prevent and contain other jail coronavirus outbreaks. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the general public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Moreover, this request is not for the principal purpose of personal or commercial benefit.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.⁶ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization's State Accountability Project covering voting rights issues in various states;⁷ an ethics waiver received by a senior U.S. Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;⁸ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the federal administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of

³ Paige Fry, *Third Inmate With COVID-19 at Cook County Jail Dies*, CHICAGO TRIB. (Apr. 12, 2020, 11:30 PM), <https://www.chicagotribune.com/news/breaking/ct-covid-jail-death-third-20200413-ob7u5h7ccfg4zo6fgy46p2zpqj-story.html>.

⁴ See ILCS § 140/6(c).

⁵ American Oversight currently has approximately 15,400 page likes on Facebook and 102,400 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Mar. 17, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Mar. 17, 2020).

⁶ News, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

⁷ *State Accountability Project*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/state-accountability-project>.

⁸ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

what those records reveal;⁹ posting records regarding potential self-dealing at the U.S. Department of Housing & Urban Development and related analysis;¹⁰ posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;¹¹ and posting records and analysis regarding the U.S. Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.¹²

Accordingly, American Oversight qualifies for a fee waiver.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

⁹ See generally *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹⁰ *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

¹¹ *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

¹² *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.