

Return Date: No return date scheduled
Hearing Date: 10/21/2020 9:30 AM - 9:30 AM
Courtroom Number: 2305
Location: District 1 Court
Cook County, IL

FILED
6/23/2020 6:40 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL

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

#LETUSBREATHE COLLECTIVE, LAW)
OFFICE OF THE COOK COUNTY)
PUBLIC DEFENDER, BLACK LIVES)
MATTER CHICAGO, STOP CHICAGO,)
UMEDICS, NATIONAL LAWYERS)
GUILD CHICAGO, and GOODKIDS)
MADCITY,)
)
Plaintiffs,)
)
v.)
)
CITY OF CHICAGO,)
)
Defendant.)

9552042

Case No. 2020CH04654

COMPLAINT FOR MANDAMUS AND INJUNCTIVE RELIEF

Plaintiffs #LETUSBREATHE COLLECTIVE, LAW OFFICE OF THE COOK COUNTY PUBLIC DEFENDER, BLACK LIVES MATTER CHICAGO, STOP CHICAGO, UMEDICS, NATIONAL LAWYERS GUILD CHICAGO, and GOODKIDS MADCITY (GKMC), by and through their attorneys at Shiller Preyar Jarard and Samuels, the Roderick and Solange MacArthur Justice Center, the University of Chicago Law School Mandel Legal Clinic, the Bluhm Legal Clinic at Northwestern Pritzker School of Law, the People’s Law Office, and First Defense Legal Aid seek a writ of mandamus and injunctive relief to require the CITY OF CHICAGO, by and through the Chicago Police Department (CPD), to comply with its non-discretionary duties under 725 ILCS 5/103-3 and 725 ILCS 5/103-4 to ensure access to counsel and to phones for persons held in custody by CPD (“arrestees” or “detainees”). Illinois statute provides that a person in police custody “shall have the right to communicate” with an attorney and a member of their family by “making a reasonable number of telephone calls or in any other reasonable manner.” 725 ILCS 5/103-3 (1963). Such communication is to be permitted “within a reasonable

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time” (meaning within one hour) after the person is brought into detention. *Id.* Detainees also have the right to consult with licensed counsel “alone and in private at the place of custody[.]” 725 ILCS 5/103-4 (1963).

The CITY OF CHICAGO has instituted both official and de facto policies denying arrestees their right to counsel and to phones, and lawyers their ability to access their clients, in violation of Illinois law. Plaintiffs seek a writ of mandamus to remedy these well-established violations of statutory law. Plaintiffs also seek a permanent injunction that requires the City to provide phone and attorney access, as required by law.

In support of this Complaint, Plaintiffs allege as follows:

INTRODUCTION

1. The CITY OF CHICAGO has a long record of condoning incommunicado detention in its police stations. CPD has run “black sites,” like at Homan Square, disappearing detainees so they are unreachable by family, friends, and lawyers. It has blocked attorneys from accessing clients until after their clients were charged. CPD officers have intimidated detainees from seeking counsel and denied them the use of telephones. And by cutting off access to the outside world, CPD ensures that detainees have no protection from police abuse, including coercive interrogations and even torture. Such coercive practices are legion in Chicago, which is known as the False Confession Capital of the United States.¹

¹ Whet Moser, *Chicago: ‘The False Confession Capital of the United States’*, Chicago Magazine (Dec. 10, 2012), www.chicagomag.com/Chicago-Magazine/The-312/December-2012-1/Chicago-The-False-Confession-Capital-of-the-United-States/; *Chicago: The False Confession Capital*, CBS News 60 Minutes (Dec. 19, 2020), www.cbsnews.com/news/chicago-the-false-confession-capital/; Kevin Davis, *The Chicago Police Legacy of Extracting False Confessions is Costing the City Millions*, ABA Journal (Jul. 1, 2018), www.abajournal.com/magazine/article/chicago_police_false_confessions.

2. While CPD has long denied access to counsel and phones in the stationhouse, its conduct has become more egregious since the outbreak of the COVID-19 pandemic, and following recent city-wide protests which erupted after the Minneapolis police killing of George Floyd and the Louisville Metro Police Department killing of Breonna Taylor.

3. The CITY OF CHICAGO, through its agents at the CPD, maintains both official and de facto policies intended to prevent detainees from accessing legal representation. These policies include: refusing to allow people in CPD custody access to a phone for extended periods of time or at all; refusing to inform attorneys where their clients are being held in custody when directly asked for location information; refusing to allow attorneys physical access to police stations where their clients are being held; conditioning telephone access on a client's waiver of state law and their constitutional rights; and refusing to display the COOK COUNTY PUBLIC DEFENDER's Police Station Representation Unit (PSRU) hotline number in CPD stations so that detainees do not know how to get in touch with an attorney.

4. CPD's system-wide barriers to counsel serve as the basis for this suit. Each of the named Plaintiffs and their members have been directly impacted by CPD's unlawful actions and each has a "sufficiently protectable interest pursuant to statute or common law which is alleged to be injured." *Cedarhurst of Bethalto Real Estate, LLC. v. The Village of Bethalto*, 2018 IL App. (5th) 170309 ¶ 31 (citations omitted); *see also Retail Liquor Dealers Protective Association v. Schreiber*, 382 Ill. 454, 47 N.E.2d 462, 459 (1943) ("Where the object is the enforcement of a public right, the people are regarded as the real party, an[d] the relator need not show that he has any legal interest in the result.").

5. Detainees continue to face impediments to legal representation and phone access in CPD custody, including being forced to sign waivers of their constitutional rights in order to speak

to an attorney. Defense attorneys are regularly proscribed from seeing and talking to their clients behind police station walls.

6. This is a necessary action seeking mandamus and injunctive relief and is filed on behalf of all organizational plaintiffs and their members to ensure that Defendant CITY OF CHICAGO, through CPD, complies with its non-discretionary responsibilities under state law to provide access to counsel and phones, as guaranteed by 725 ILCS 5/103-3 and 725 ILCS 5/103-4.

7. Plaintiffs seek this Court's intercession to immediately put an end to the continuing violation of their state law rights by the CITY OF CHICAGO in its police detention facilities.

LEGAL STANDARDS

8. Enacted in 1963, the Illinois Code of Criminal Procedure states as its purpose in part to “[e]nsure fairness of administration including the elimination of unjustifiable delay....[p]rovide for the just determination of every criminal proceeding by a fair and impartial trial and an adequate review... [and] [p]reserve the public welfare and secure the fundamental human rights of individuals.” 725 ILCS 5/101-1 (1963).

9. Pursuant to 725 ILCS 5/103-3 of this same Code, “[p]ersons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner.” 725 ILCS 5/103-3 (1963). Under the statute, that communication “shall be permitted within a reasonable time after arrival at the first place of custody.”

10. The Illinois Administrative Code defines “reasonable time” as “generally within the first hour” after “arrival at the first place of custody.” 20 Ill. Adm. Code § 720.20(b).

11. Further, pursuant to 725 ILCS 5/103-4 of the Criminal Code, every individual restrained of liberty for any cause, whether or not they're charged with an offense, has a right to consult with an attorney "alone and in private" at the place of custody. 725 ILCS 5/103-4 (1963).

12. The Illinois Constitution has been interpreted to require that law enforcement provide arrestees and detainees access to attorneys when those attorneys are "present and immediately available" at a police station. *People v. McCauley*, 163 Ill.2d 414, 423-24 (1994) (citing Ill. Const. art. I, §§ 2, 10).

13. The Cook County Circuit Court has strived to make the right to access to counsel, as required by Illinois law, a reality for individuals in Cook County being held in police custody, by appointing the Office of the Cook County Public Defender to represent people who request counsel and are not otherwise represented. Cook County Circuit Court General Administrative Order No. 2017-01 provides that "when an arrestee or person not represented by counsel is held in police custody and requests court-appointed legal representation...the Public Defender shall be deemed appointed by the court as defense counsel." Affidavit of Cook County Public Defender Amy Campanelli (Exhibit A) ¶ 6.

PARTIES

Plaintiffs

14. Plaintiff LAW OFFICE OF THE COOK COUNTY PUBLIC DEFENDER ("PUBLIC DEFENDER") provides legal representation to thousands of low-income Cook County residents who are held in custody or who are charged with the commission of any criminal offense, and who the court finds are unable to employ counsel, pursuant to 55 ILCS 5/3-4006. The PUBLIC DEFENDER is dedicated to protecting clients' fundamental rights as guaranteed by the U.S. Constitution by providing quality legal representation in criminal proceedings. The PUBLIC

DEFENDER has a specialized division, the PSRU, which is comprised of on-call attorneys who provide immediate legal representation to anyone who is arrested and detained by law enforcement in Cook County. Pursuant to Cook County Circuit Court General Administrative Order 2017-01, when an arrestee or other person not represented by counsel is held in police custody and requests court-appointed legal representation, the PUBLIC DEFENDER is deemed appointed by the court as defense counsel, pending appearance before the court. As a result of CPD's actions as set forth in this complaint, the PUBLIC DEFENDER is systemically impeded from providing representation to people in police custody, as mandated by statute. CPD's waiver requirement and failure to provide telephone access to clients prevents the PUBLIC DEFENDER from providing defense representation and protecting the constitutional and state law rights of its clients, particularly during police questioning. *Campanelli Aff.* ¶¶ 1-9.

15. Plaintiff STOP CHICAGO is a group that organizes for racial and economic justice and human rights primarily on the South Side of Chicago and in the neighborhoods of South Shore, Washington Park, and Woodlawn. STOP CHICAGO's advocacy focuses on a variety of areas, including through its Youth Organizing Project, which organizes youth impacted by the legal system to imagine and win solutions to its deficiencies. Its members are routinely arrested and are at high risk for being arrested in the future as a result of participating in protests and living in neighborhoods that are overpoliced and subject to discriminatory and racially-motivated police tactics. Members were detained during the most recent protests against police violence and intend to continue protesting in the future. Members were denied access to a phone and to counsel as provided by law and as described herein. When STOP CHICAGO members are arrested, the organization must divert resources from its mission and other work to protect, defend, and fundraise on behalf of its

members in police custody. **STOP CHICAGO** brings this action on its own behalf and as an organizational representative for its members. Affidavit of Amika Tendaji (Exhibit B).

16. Plaintiff **#LETUSBREATHE COLLECTIVE** is a collaborative of artists and activists that serves communities directly impacted by mass criminalization, police violence, and systemic injustice by centering marginalized voices and dismantling oppressive systems. Through direct action and cultural events, **#LETUSBREATHE COLLECTIVE** aims to organize artists to love and transform themselves and their communities through radical imagination and creative healing work. Its members are routinely arrested and are at high risk for being arrested in the future, as a result of participating in protests and living in neighborhoods that are overpoliced and subject to discriminatory and racially-motivated police tactics. **#LETUSBREATHE** members have been arrested during the recent protests against police violence and subject to incommunicado detention. They intend to continue participating in protests. When members are arrested and held without access to an attorney or to a phone to contact their loved ones and legal representation, **#LETUSBREATHE** is forced to divert time and resources away from their artistic mission of designing a world free from oppression and providing communities the resources that they need to thrive. Affidavit of Kristiana Rae Colón (Exhibit C); Affidavit of Damon Williams (Exhibit D); Affidavit of Malcolm London (Exhibit E); Affidavit of Chris Brown (Exhibit F); Affidavit of Jennifer Pagan (Exhibit G).

17. Plaintiff **UMEDICS** is a collective of community organizers, activists, pastors, healthcare professionals, and persons of African descent residing in various urban neighborhoods within Chicago. Members of the organization seek to provide training in “Urban Emergency First Response” in an effort to combat the loss of life resulting from community violence and slow response times by police and paramedics. When members of **UMEDICS** are arrested, as they have

been during recent protests against police violence, and when they are subject to incommunicado detention at the hands of CPD, they are forced to divert their limited resources to provide essential medical assistance in their communities in order to combat CPD's unfair practices and policies. Tendaji Aff. ¶¶ 2-9.

18. Plaintiff **BLACK LIVES MATTER CHICAGO** is an organization that fights for justice with families most impacted by racially-motivated violence and marginalization of Black communities, while working to create just and equitable systems. Individual members of **BLACK LIVES MATTER CHICAGO** live in Chicago and organize people impacted by the criminal legal system. Its members are routinely arrested and are at high risk for being arrested in the future as a result of participating in protests and living in neighborhoods that are overpoliced and subject to discriminatory and racially-motivated police tactics. Members have been arrested during recent protests against police violence and subjected to incommunicado detention at the hands of CPD. When members are arrested and held without access to a phone to contact their loved ones and legal representation, **BLACK LIVES MATTER CHICAGO** is forced to divert time and resources away from their mission of creating just and equitable systems for all. Tendaji Aff. ¶¶ 1-9.

19. Plaintiff **NATIONAL LAWYERS GUILD CHICAGO** (or "NLG CHICAGO") is an organization of lawyers, law students, legal workers, and jailhouse lawyers who operate as a political and social force, working to build a world where human rights are regarded as more sacred than property interests. Individual members of the **NATIONAL LAWYERS GUILD CHICAGO** have been subject to aggressive policing and incommunicado detention by virtue of their advocacy in support of First Amendment-protected protest activity. **NLG CHICAGO** provides "Legal Observers" who document police behavior during protests, including the most recent ones opposing police violence. It also provides legal representation to protesters who are arrested. Attorney

members of NLG CHICAGO have been and continued to be denied access to their clients when they tried to represent them at Chicago police stations, including during the protests in response to the killing of George Floyd and Breonna Taylor. When NLG CHICAGO attorneys are denied access to their clients, the organization is forced to divert time and resources away from their mission of protecting members' and clients' civil rights and liberties during protests. Further, when Legal Observers are arrested during protests, NLG CHICAGO loses the ability to provide oversight of police activities and treatment of protesters. NLG CHICAGO is further forced to divert resources to find other Legal Observers to cover the duties of arrested members. Affidavit of Molly Armour (Exhibit H); Affidavit of Lillian McCartin (Exhibit I); Affidavit of Brian Orozco (Exhibit J).

20. Plaintiff GOODKIDS MADCITY (GKMC) are young Black and Brown people united in fighting to end violence in their cities. They work to achieve more resources for underserved communities on the South Side and West Side of Chicago and provide support to young people affected by violence. Its members are routinely arrested and are at a high risk for being arrested in the future, as a result of participating in protests and living in neighborhoods that are overpoliced and subject to discriminatory and racially-motivated police tactics. Members have been arrested during recent protests against police violence, and subjected to incommunicado detention at the hands of the CPD. When its members are arrested while protesting racial discrimination and police violence, GKMC must divert time and resources from its mission of reducing violence and improving equality in underserved neighborhoods. Affidavit of Kofi Ademola² (Exhibit K).

² Kofi Ademola's legal name, used in his affidavit, is Eric Malone.

Defendant

21. Defendant CITY OF CHICAGO is a municipal corporation located in Cook County. It is authorized under the laws of the State of Illinois to maintain the CPD, which acts as the City's agent in the area of municipal law enforcement and for which the City is ultimately responsible. CPD, through Defendant CITY OF CHICAGO, has a non-discretionary duty to comply with 725 ILCS 5/103-3 and 725 ILCS 5/103-4.

STATEMENT OF FACTS

CPD's History of Denying Detainees Access to Telephones and Legal Counsel

22. The CITY OF CHICAGO, through the CPD, has a well-documented history of denying access to counsel, in violation of Illinois state law.³

23. To facilitate incommunicado detention and obstruct access to counsel, CPD consistently refuses to provide telephones to those in its custody. Campanelli Aff. ¶ 8 (“[C]lients are regularly denied access to a phone to call our office within an hour of being brought into custody, as required by 20 Ill. Adm. Code § 720.20(b)).”). CPD has maintained this policy for years. Affidavit

³ See Police Accountability Task Force Report: Recommendations for Reform 56-57 (April 2016) https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_4_13_16-1.pdf (“...CPD generally provides phone access only at the end of processing, after interrogation and charging, while arrestees wait in lockup to be released or transferred to county custody.”); see also *id.* at 56 (“Remarkably, in 2014, only 3 out of every 1,000 arrestees had an attorney at any point while in police custody.”); *id.* at 57 (“When individuals in custody attempt to invoke their legal rights to counsel, they report facing hostility from police.”); Spencer Ackerman, *Inside Chicago's Legacy of Police Abuse: Violence 'As Routine As Traffic Lights'*, The Guardian (Mar. 3, 2015), <https://www.theguardian.com/us-news/2015/mar/03/chicago-police-violence-homan-square> (Figures obtained by Chicago's First Defense Legal Aid under a freedom-of-information request found that in 2013, lawyers were able to visit clients in police custody citywide for only 302 out of 143,398 arrestees—a rate of 0.2%); Spencer Ackerman, *Homan Square Revealed: How Chicago Police 'Disappeared' 7,000 People*, The Guardian (Oct. 19, 2015), <https://www.theguardian.com/us-news/2015/oct/19/homan-square-chicago-police-disappeared-thousands> (Police allowed lawyers access to Homan Square for only 0.94% of the 7,185 arrests logged from 2004 to 2015. “That percentage aligns with Chicago police's broader practice of providing minimal access to attorneys during the crucial early interrogation stage, when an arrestee's constitutional rights against self-incrimination are most vulnerable”).

of Eliza Solowej (Exhibit L) ¶ 6 (“In April of 2015, Corporate Counsel for the Chicago Police Department along with the Chief of the Bureau of Internal [A]ffairs told me at a meeting at the Office of the Cook County Public Defender that they ‘now know,’ that virtually no one is able to make calls from the station until the very end of their time in custody due to police procedure.”).

24. Statistical evidence bears out these ongoing state law violations. In the regular course of its business, the PUBLIC DEFENDER collects survey data regarding stationhouse access to counsel from recent arrestees in bond court. The PUBLIC DEFENDER asks whether the client received access to a phone upon arrest, and if so, how long it took to obtain access to a phone, and whether the client saw signage posted at the station showing a phone number to call for legal counsel. Affidavit of Era Laudermilk (Exhibit M) ¶¶ 2-3.

25. The survey data shows that CPD routinely denies people in police custody access to a phone. Between April 16, 2020 and June 5, 2020, the PUBLIC DEFENDER surveyed 1,468 people in bond court. *Id.* ¶ 3. Of the 1,468 surveyed, 338 (23%) stated that CPD never offered them access to a phone at *any* point while they were detained at the police station. *Id.* ¶ 4. Of the 1,016 individuals who did receive a phone call, more than half waited over an hour after their arrival before they were offered a phone call (560 individuals, 55% of those offered a call). Nearly one in four individuals waited for five or more hours (224 individuals, 22% of those offered a call). *Id.* ¶ 5. The average wait time for individuals who were offered a phone call was 4.2 hours. *Id.* ¶ 6.

26. CPD has also long refused to post the PSRU hotline number, created in response to General Administrative Order 2017-01, so that arrestees know how to get in touch with attorneys while in police custody. Campanelli Aff. ¶ 7. The PUBLIC DEFENDER’S survey data shows that CPD continues to refuse to provide an attorney’s number to individuals upon arrival in a police

station. Of the 1,468 individuals surveyed, only 193 (13%) stated that they were given an attorney's number when they were brought to the station. *Laudermilk Aff.* ¶ 7.

27. These patterns have continued into June. From June 1 to June 5, 2020, Assistant Public Defenders surveyed 481 people who were proceeding before a bond court judge. One in four of those surveyed stated that they were never offered a phone call at any point while they were in CPD custody, and only 10% of those surveyed in June stated that they were provided an attorney's number at the police station. Of the people who were offered phone access, the average wait time was 5.2 hours, with 27% of those who were offered a phone call waiting for five or more hours. *Id.* ¶ 8.

28. Denying phone access is a key CPD tactic to impede access to counsel. The result is that detainees are held incommunicado, without legal guidance or protection from police coercion.

29. The severity of this type of misconduct has increased in recent weeks. CPD has denied and continues to deny arrestees legal representation and telephone access, using the COVID-19 pandemic and recent community protests as cover for their unlawful conduct.

CPD's Heightened Limitations on Access to Counsel During the COVID-19 Outbreak

30. As coronavirus spread through the State, and the Governor of Illinois passed a stay-at-home order, on March 28, 2020, the PUBLIC DEFENDER curtailed in-person legal visits by its PSRU at Chicago police stations, in order to protect the safety of attorneys and people in police custody. Cook County Public Defender Amy Campanelli notified CPD General Counsel Dana O'Malley that all PSRU representation pursuant to General Administrative Order No. 2017-01 would take place over the phone. A copy of this email exchange is attached as Appendix 1 to Ms. Campanelli's affidavit, Ex. A.

31. In her March 28 email, Public Defender Campanelli requested that clients be given a private place to consult with their attorneys remotely. *Id.*

32. CPD General Counsel O'Malley did not respond for over two weeks. Subsequently, on April 14, 2020 and April 17, 2020, General Counsel O'Malley rejected the right of the PUBLIC DEFENDER to counsel with clients telephonically. General Counsel O'Malley stated that it would be impossible for CPD to ensure arrestees privacy during legal phone calls. O'Malley maintained that PSRU attorneys would have to come to stations in person in order meet with clients, regardless of the health risks involved. *Id.* (As of April 17, there were almost 30,000 diagnosed COVID cases in Illinois, resulting in 1,134 deaths.⁴).

33. During that time, including in the months of April and May, CPD affirmatively prohibited defense attorneys from speaking to arrestees in custody via the telephone. Affidavit of David Zumba (Exhibit N) ¶ 5 (On May 1, 2020, "I spoke with Sergeant Sweeney (#2254) who escalated my request [to speak to my client over the phone]. Sergeant Sweeney contacted me after stating that he spoke with Chicago Police Department legal resources and informed me that a phone call with [my client] would not be allowed."); Affidavit of Jessica Gingold (Exhibit O) ¶¶ 3-5 ("On May 10, 2020 at 8:07 p.m. I called the 10th District Police Station and spoke to Sergeant Corral who was able to confirm that CLIENT was there. I explained that I am a lawyer from the Lawndale Christian Legal Center, and that we currently represent CLIENT. I asked to be able to speak with him on the phone. I was told I would only be permitted to speak with him if I came to the 10th District in person.").

⁴ *1,842 New Coronavirus Cases Reported in Illinois—State's Largest Single Day Spike*, NBC5 Chicago (Apr. 17, 2020), www.nbcchicago.com/news/coronavirus/1842-new-coronavirus-cases-reported-in-illinois-states-largest-single-day-total/2257659/.

34. CPD informed defense counsel, including attorneys from Lawndale Christian Legal Center, that internal “procedure” prevented officers from allowing people in custody to access phone calls—and lawyers—until after they had been interrogated and processed:

On April 27, I called the 11th District and I asked why my client could not be given access to a phone before going to lockup and was told that this was the procedure. I explained that my client was entitled to access to his lawyer, and Sergeant Geyer started yelling that this was not going to happen. I explained that I could email him my attorney credentials, and he again told me no. Sergeant continued to yell and tell me that my client could not call me until after being processed and that this was the procedure.

Affidavit of Cristina Law Merriman (Exhibit P) ¶ 6.

35. CPD’s phone visitation policy does not apply to attorneys with the Cook County State’s Attorney’s Office, who are provided remote access to detainees and witnesses via video conferencing technology. Campanelli Aff. ¶ 18.

36. Following General Counsel O’Malley’s refusal to provide telephone access to defense counsel, CPD and the PUBLIC DEFENDER had further exchanges. CPD ultimately insisted that in order for an arrestee to talk to a member of the PSRU, he or she would have to sign an “Attorney/711 Visitation Notification Limited Waiver.” Campanelli Aff. ¶ 15. That waiver (CPD-11.573A) is a new addition to CPD’s existing Attorney/711 Visitation Notification form (CPD-11.573), both of which are attached in Appendix Two. The waiver states:

Limited Waiver: _____ acknowledges that he/she has been advised that CPD cannot guarantee full privacy during any telephonic or virtual conversation and that he/she may not use any inadvertent overhear as a basis to defeat criminal charges or in civil litigation should any occur.

Campanelli Aff., App. Two.

37. On May 15, 2020, CPD memo Reference Number 256361 was distributed department-wide, describing CPD’s policy of mandating that individuals seeking telephonic access

to counsel sign a waiver and a forfeiture of their constitutional and civil rights, as set forth in Form 11.573-A. A copy of this memo is attached to and incorporated in this Complaint as Exhibit X.

38. Since the CPD policy went into effect, attorneys from the PUBLIC DEFENDER and other criminal defense lawyers have been forced to advise clients about invoking their rights through the phone, despite serious concern over Defendant's requirement that such representation is dependent on the execution of Form 11.573-A which forces arrestees to waive their constitutional rights in order to access counsel.

May and June 2020 Protests and CPD's Continuing Use of Incommunicado Detention

39. CPD's policy of denying arrestees access to phones and counsel, and attorneys access to clients, has only become more widespread since the recent protests against police violence erupted in Chicago.

40. On Friday, May 29, 2020, and throughout the ensuing week, more than 2,600 individuals were arrested by CPD for their participation in demonstrations, as evidenced by CPD arrest records.

41. Members of the plaintiff organizations were arrested for protesting, and then either denied access to counsel by CPD at CPD stations or forced to wait hours until seeing a lawyer. Many were required to sign waivers if they wanted to speak to an attorney. Those attorney visits that did occur were not private and did not allow for privileged consultation. See Affidavit of Amika Tendaji, a member of STOP CHICAGO, UMEDICS and BLACK LIVES MATTER CHICAGO, Exhibit B; Affidavit of Kristiana Rae Colón, a member of #LETUSBREATHE COLLECTIVE, Exhibit C; Affidavit of Damon Williams, a member of #LETUSBREATHE COLLECTIVE, Exhibit D; Affidavit of Malcolm London, a member of #LETUSBREATHE COLLECTIVE, Exhibit E; Affidavit of Chris Brown, a member of #LETUSBREATHE COLLECTIVE, Exhibit F; Affidavit

of Jennifer Pagan a member of #LETUSBREATHE COLLECTIVE, Exhibit G; Affidavit of Kofi Ademola, a member of GOODKIDS MADCITY, Exhibit K; Affidavit of Molly Armour, a member of NATIONAL LAWYERS GUILD CHICAGO, Exhibit H.

42. During the protests, CPD systemically impeded attorneys from the PSRU of the PUBLIC DEFENDER from finding their clients. Aaron Goldstein, PSRU's supervisory attorney, declared that during that time, it was extremely difficult to get in touch with clients at police stations, because of "constant busy signals and lack of response from the police department[.]" Affidavit of Aaron Goldstein (Exhibit Q) ¶ 10. When they did finally get through, CPD refused to provide phone access for clients to speak with their attorneys.

43. Time and again, PSRU attorneys were unable to speak with their clients for the duration of their clients' time in police custody—which lasted hours or even more than a day. As a result, PSRU clients were vulnerable to interrogation without their counsel present. The attorneys were prevented from providing representation even after alerting CPD supervisory staff and CPD general counsel about their access issues.

44. CPD employed these obstructive tactics, for example, in the following incidents:

- On Saturday, May 30, 2020, PSRU Attorney Stephanie Ciupka called repeatedly to Central Booking in order to locate 80 arrested clients. All that day, Central Booking either could not locate or was too busy to locate all but two of her 80 clients. Affidavit of Stephanie Ciupka (Exhibit R) ¶¶ 3-4.
- On May 31, 2020, Attorney Goldstein made repeated calls to confirm the location of his clients. He was never able to connect by phone, even after calling the required CPD phone number 13 times:

After approximately 15 minutes [of waiting to meet with my clients,] I asked again if I could get any information on these clients and if I could speak to a legal officer or

someone higher-up at the station. The female police officer [at the 1st District] refused my request and told me to call the station to inquire about the other arrestees. After explaining to the police officer that that is why I was there—because the phone wasn't being answered—I obliged and called the number she provided (312.745.4290). I immediately received a busy signal and then called again and put the phone on speaker so she could hear the busy signal. When she heard it, she told me to keep calling. I called the number twice around 7:34 pm and got a busy signal both times and 11 more times at approximately 7:53 pm. All 13 calls resulted in a busy signal.

Goldstein Aff. ¶ 19.

- That same day, a CPD sergeant at the 1st District, affirmatively lied to Attorney Goldstein about the location of his client:

Based on what witnesses and his family told me, including that they used the GPS function on their phones to find the arrestee's phone which was located at the 1st District, we were certain he was in the 1st District. The Sergeant informed me they didn't have anyone by that name and believed he may have used a different name when he was arrested.

Goldstein Aff. ¶ 24.

Goldstein then escalated the access issue to Lieutenant Natelson (# 719), who stated that the client's given name was not in CPD's records and refused to further search for the client or allow the attorney to check the lockup. *Id.* ¶ 32. The client was released by the CPD from the 1st District very early the next morning. Goldstein Aff. ¶ 35.

- Also on May 31, PSRU Attorney Samuel Dixon attempted multiple times to ascertain the location of a client who was in the 1st District. CPD refused to answer his phone calls and emails seeking information about his client's whereabouts:

On May 31, 2020, I called Central Booking to determine the location of CLIENT #3. Central Booking relayed that CLIENT #3 was at the 1st District Police Station. I called the 1st District Police Station and I was told that Sgt. Maria Medina was on duty, but no one knew her email. For two hours, I called the 1st District, asking to speak with Sgt. Medina about five times. The desk officers would then transfer me to a phone line that no one would answer and I was not able to leave a voicemail.

On May 31, 2020, at 11:12 a.m., I emailed Commander Michael Pigott to explain that I was unable to reach the sergeant on duty and I asked for a phone call with CLIENT #3. I also attached my attorney identification and an unsigned Notice of Representation and Declaration of Rights asserting Client's Miranda rights. I never received a reply to this email.

Affidavit of Samuel Dixon (Exhibit S) ¶¶ 16, 18.

Dixon eventually got through to the desk officer at the district, who informed Attorney Dixon that the station was "not letting anyone speak to people." *Id.* ¶¶ 19, 27. Dixon was never able to contact his client. *Id.* ¶ 20. This same scenario played out in regard to another of Dixon's clients in custody at the 1st District that day. *Id.* ¶¶ 33-40.

- On Monday, June 1, 2020, Attorney Ciupka contacted the 11th District CPD station about a client who had already been in custody for 24 hours without being permitted an attorney phone visit. The desk officer there confirmed her client was at the 11th District and said she thought the client was upstairs with detectives, where "they might still be messing with him." Attorney Ciupka interpreted this to mean that detectives might be actively interrogating the client without legal representation. Ciupka Aff. ¶ 10. After talking with the desk officer, Attorney Ciupka repeatedly called and emailed the station and superior officers, but was unable to contact the client. *Id.* ¶ 11.

45. When they have been able to locate their clients, PSRU attorneys experience significant delays in talking to them, so that clients are detained for hours without legal counsel:

- On Tuesday, May 26, 2020, CPD officers at the 16th District police station refused Attorney Ciupka access to her client. Goldstein Aff. ¶ 5. Attorney Ciupka subsequently emailed CPD's general counsel and the head of the 16th District CAPS about the issue. Three hours after Ciupka's initial attempt to contact her client, her client was finally

permitted to sign a declaration of rights, expressing his right to counsel and to remain silent. *Id.* ¶ 7.

- On Thursday, May 28, 2020 a lieutenant at the 7th District Police Station informed PSRU Attorney Harold Hall that there was no safe way for clients to have phone calls with attorneys. Attorney Hall was finally allowed to speak to his client at the 2nd District, but only after the client had been in custody for three hours. The client was charged with Unlawful Use of a Weapon. Affidavit of Harold Hall (Exhibit T) ¶¶ 3, 5, 6.
- On that same day, an officer at the 18th District CPD station informed PSRU Attorney Dixon that he would not be able to speak to his client or to a superior officer due to "exigent circumstances." Dixon Aff. ¶ 3.
- On the evening of Sunday, May 31, 2020, Attorney Goldstein went to the 1st District to try to gain access to a list of seven clients in custody there after unsuccessfully trying to contact CPD over the phone. Goldstein Aff. ¶¶ 10-16. CPD officers repeatedly refused to allow him to enter the station or meet with any clients:

I asked the officer...if the 7 people I was looking for were at the station. At first, she said she recalled some were released and others she was unsure about. I asked her if she could get that information for me and that I wanted to see my clients. She refused and said she had to take care of other things. I told her I am their lawyer, they have the right to see me, and I need to speak to them. She told me no one was being allowed into the station.

Goldstein Aff. ¶ 16; *id.* ¶¶ 17-23.

Aaron Goldstein was eventually able to speak with one of his seven clients that night but only after the client signed the Limited Waiver, which CPD required for telephonic client visits. *Id.* ¶¶ 26, 28.

- On June 1, 2020, in another instance at the 16th District, PSRU Attorney Dixon's client invoked his right to a lawyer after a detective asked him to give a statement and sign a

Miranda waiver. The detective responded to the client that "you'll have to wait." Dixon Aff. ¶ 12. The detective refused to call the PSRU hotline, and the client waited four and a half hours to speak with his attorney. *Id.* ¶¶ 12-13.

46. Members of Plaintiff NATIONAL LAWYERS GUILD CHICAGO and other defense attorneys also attempted to represent individuals in police custody. As with the PSRU attorneys, these counsel were repeatedly prohibited by CPD officers from meeting with their clients in person when they arrived at CPD stations. CPD also refused to provide NLG CHICAGO attorneys and other counsel information about the status of their clients, intentionally misled attorneys about their clients' locations, and refused to tell attorneys the charges that had been lodged against their clients. *See* McCartin Aff.; Orozco Aff.; Armour Aff.; *see also* Affidavit of Renee Hatcher (Exhibit U) ¶ 3 ("Upon arrival at the station [at 51st and Wentworth on May 31]...I presented my credentials (ARDC card) to the officers and asked about the three individuals [I intended to represent]. One officer...told me that he would not confirm if the individuals were at the police station and I would not be admitted to inquire inside the police station."); Affidavit of Brendan Shiller (Exhibit V) ¶ 15 ("When I attempted to find out what they were being charged with I was told that it is the law that officers cannot tell anyone but the arrestee what they are being charged with."). The first weekend of the protests at 51st and Wentworth, CPD allowed attorneys to access their clients in stations only after the intervention of Chicago aldermen, including 33rd Ward Alderman Rossana Rodriguez-Sanchez. Affidavit of Ald. Rossana Rodriguez-Sanchez (Exhibit W) ¶ 13 ("I do not believe that If I and the other Aldermen had not intervened that we would have even been told where everyone was."); Shiller Aff. ¶¶ 4, 8 ("Eventually, Alderman Rossana Rodriguez-Fernandez (33) arrived on scene and began talking to Sgt. Blum. Blum continued to deny our access to the station and continued to deny that our clients were present...At about 10:45, with both the

Alderman and the lawyers pleading for Blum to stop playing games, Blum walked into the police station and talked to Sergeant Sampson. A few minutes later were allowed into the station.”).

47. The particular misconduct NLG CHICAGO attorneys and other defense attorneys witnessed firsthand includes but is not limited to the following:

- On May 31, 2020, Lillian McCartin, a licensed attorney working with NLG’s Mass Defense Committee, attempted to meet with her client at the 1st District CPD station at approximately 5:30 p.m. that evening. *McCartin Aff.* ¶¶ 1, 5. Attorney McCartin was repeatedly told by an officer and desk sergeant that her client was not detained at the 1st District. *Id.* ¶ 5. However, her client was indeed being held in CPD custody at the 1st District. Her client was not released from the 1st District until 3 a.m. on June 1, 2020—roughly ten hours after Attorney McCartin’s visit to the police station—and only after her client was charged with a crime. *Id.* ¶ 6.
- On May 30, 2020, Brian Orozco, a licensed attorney working with NLG’s Mass Defense Committee, attempted to meet with his clients at the 2nd District CPD station at approximately 11:00 p.m. that evening. *Orozco Aff.* ¶ 1, 3. A CPD officer told Attorney Orozco that he was not allowed to speak with his clients at that point and that he would need to check in with that officer every 15 minutes while waiting. *Id.* ¶ 3. CPD officers then proceeded to ignore Attorney Orozco for more than two hours. *Id.* ¶ 3. On both May 30, 2020 and May 31, 2020, CPD either hung up on Attorney Orozco or refused to answer his calls. *Id.* ¶ 4. On those days, Attorney Orozco also tried to enter the 2nd District to see his clients but two officers ordered him to leave the area. After another attempt, a CPD officer told Attorney Orozco to wait until someone inside the District let him in; however, CPD continued to ignore Attorney Orozco. *Id.* ¶¶ 5-6. At approximately 2:30 a.m. on May 31,

CPD finally allowed Attorney Orozco to speak in person with one of his clients who had been custody for over eight hours. *Id.* ¶¶ 8-10. CPD then informed Attorney Orozco that a second client was being held at a different police station and that his third client was not even in the system. *Id.* ¶ 9.

- On May 30, 2020, Molly Armour, a licensed attorney working with the NLG's Mass Defense Committee, discovered that an NLG Legal Observer had been arrested while observing a demonstration. NLG attorney Lillian McMartin met with the Legal Observer at the 18th District CPD station and reported they had sustained injury from the police during arrest. Armour Aff. ¶¶ 3-4. Concerned, Attorney Armour began to call the station at 11:41 p.m. to check on the Legal Observer's status. She called the station 13 times that night, to no avail. Either the phone was answered and immediately hung up, or Attorney Armour was placed on hold for long time periods, including one 42-minute period. *Id.* ¶ 5. At 12:30 a.m. Attorney Armour placed her fourteenth call and was able to speak with an officer, who stated that there was no record of the client's presence at the 18th District. The officer said a supervisor would look into it. Attorney Armour received no follow-up phone call. *Id.* ¶ 6. Attorney Armour called again at 6:49 a.m. and a sergeant confirmed that CPD had indeed detained her client at the 18th District, but that her client had since been released. *Id.* ¶ 7.
- On May 31, 2020 at 8:30 p.m., Renee Hatcher, a licensed attorney and professor at John Marshall Law School, attempted to meet with three clients who she believed were in custody at the 2nd District CPD station. She was accompanied by other attorneys, including defense and civil rights attorney Brendan Shiller. Officers outside the police station would not confirm the clients' location or allow the attorneys to enter the station. Hatcher Aff. ¶¶ 3-4. At 10:15 p.m., Commander Wallace came outside and confirmed the attorneys' clients were

at the station. *Id.* ¶ 5. At approximately 10:45 p.m., the attorneys were permitted to enter the station, at which point Sergeant Sampson falsely told the attorneys that Client 1 was at a different station. *Id.* ¶¶ 7-8. At 11:30 p.m., Commander Wallace again met with the attorneys and they informed him they had still not seen their clients. The Commander then told them that Client 1 was actually located at St. Bernard Hospital, as a result of injuries they received from the police. One of the attorneys then went to St. Bernard. *Id.* ¶¶ 11-12. At 12:00 a.m., Sergeant Sampson told Attorney Hatcher that she could meet with Client 2, but that only a phone visit would be allowed due to COVID-19 protocol. Attorneys Hatcher and Shiller responded to the Sergeant that COVID-19 protocol did not prohibit physical visits. *Id.* ¶ 13; *see also* Shiller Aff. ¶ 9. Eventually, Attorney Hatcher was able to meet with Client 2. *Id.* ¶ 13. After learning Client 2 had lost a shoe during the arrest, Attorney Hatcher left to bring Client 2 a spare pair of shoes. She returned to the station shortly thereafter and was denied access, despite repeatedly informing the officers that she was the attorney for someone in custody. *Id.* ¶ 15.

48. The violations detailed herein, occurring over the past three months and continuing, are the result of intentional and systemic action taken by CPD for the purpose of hampering arrestees' right to legal representation and attorneys' access to clients. Goldstein Aff. ¶ 17 ("I reiterated again that I was there to see my clients and [the CPD officer] said he is not interfering with the right to counsel and I told him if I couldn't see my clients then he was interfering with their right to counsel."). These actions, which facilitate coercive interrogations, were approved at the highest level of CPD command, including by CPD's general counsel.

Likelihood of Future Violations by CPD and CPD's Ability to Comply with State Law

49. The misconduct alleged here is not anomalous, or the result of “exigent circumstances.” Dixon Aff. ¶ 3. It is the result of well-established CPD policies, by which CPD impedes detained people from obtaining stationhouse representation.

50. There is a strong likelihood of future violations. The protests are ongoing and CPD continues to arrest people participating in or witnessing these demonstrations. CPD also continues to deny people in CPD custody, including members of the Plaintiff organizations, access to attorneys and phones during non-protest related arrests. CPD continues to prohibit defense attorneys from meeting with and talking to their clients, alone and in private. And CPD continues to block attorneys from locating clients and learning the charges lodged against them. All of these actions are in direct violation of 725 ILCS 5/103-3 and 725 ILCS 5/103-4.

51. Nothing in CPD’s operational or statutory authority prevents it from complying with Illinois state law governing access to counsel. In particular:

- a. The CPD has the ability to promulgate a policy, via a General Order, prohibiting CPD officers from denying timely access to counsel for people in detention via telephone or in person.
- b. The CPD has the ability to promulgate a policy, via a General Order, requiring its members to provide people in CPD custody access to a phone within an hour of their arrival at a police station.
- c. The CPD has the ability to facilitate private, in-person attorney visitations for arrestees in their custody.

- d. The CPD has the ability to inform defense counsel as to the location of their clients and allow them access to any client requesting counsel, in person or via telephone, within an hour of that person being brought into custody.
- e. The CPD has the ability to facilitate access to confidential attorney consultations by allowing arrestees to receive calls on authorized cell phones in a private meeting room, without the execution of Form 11.573-A or any waiver of rights.
- f. The CPD has the ability to facilitate access to confidential attorney consultations by allowing arrestees to use a video conferencing application, such as a paid “Zoom” account, in private meeting rooms, in the same manner as that access is provided to the Cook County State’s Attorney’s Office, and without the execution of Form 11.573-A or any waiver of rights.
- g. The CPD has the ability to institute an official policy, via a General Order, explicitly eliminating the requirement that an arrestee or detainee who desires access to a phone forfeit constitutional and civil rights to confidential attorney/client communications, as described in Form 11.573-A.

52. On June 2, 2020, counsel for Plaintiffs transmitted a letter outlining the facts set forth in this Complaint to Cook County State's Attorney Kim Foxx and Illinois Attorney General Kwame Raoul, requesting that those offices work to effect changes to CPD’s policies regarding attorney visitation. Neither Attorney General Raoul nor State's Attorney Foxx has taken action to remedy the current situation regarding attorney visitation at Defendant’s police stations.

53. The mandamus and injunctive action is the sole remedy to address CPD’s widespread and ongoing failure to comply with a non-discretionary duty under Illinois law.

COUNT I - MANDAMUS

725 ILCS 5/103-3 and 725 ILCS 5/103-4

54. Plaintiffs reallege all previous paragraphs of this Complaint as though fully set forth herein. Defendant CITY OF CHICAGO, acting through its agents at CPD, has a non-discretionary duty created by state statute to ensure access to counsel for arrestees, alone and in private, at the place of detention, whether by telephone or in person, and within a reasonable time (generally one hour) after the arrestee arrives in custody. 725 ILCS 5/103-4. CPD also has a non-discretionary duty to allow arrestees prompt access to a phone after they are brought into custody. 725 ILCS 5/103-3.

55. Defendant is violating its statutory duty under state law to allow arrestees, including members of the Plaintiff organizations, legal representation within a reasonable time and “alone and in private” at the place of custody by intentionally prohibiting arrestees access to attorneys who are present and available at CPD police stations.

56. Defendant is violating its statutory duty under state law to allow arrestees, including members of the Plaintiff organizations, to speak to their counsel within a reasonable time and “alone and in private” over the telephone where physical representation is not possible.

57. Defendant is violating its statutory duty under state law to allow arrestees, including members of the Plaintiff organizations, timely access to a phone at CPD police stations, cutting them off from their families and counsel, and ensuring they are held incommunicado and without protection from police coercion and interrogation.

58. During the recent protests and continuing thereafter, the Defendant implemented an informal policy of denying in-person visitation of arrested individuals, including members of the Plaintiff organizations, by the NATIONAL LAWYERS GUILD OF CHICAGO, the PUBLIC

DEFENDER and other defense attorneys, when those attorneys were immediately available at police stations to represent arrestees.

59. Defendant systematically denies and impedes defense attorneys, including attorneys with the PUBLIC DEFENDER, from accessing their clients via telephone. CPD refuses to provide location information about Plaintiffs' clients and holds them incommunicado and without a telephone for the purpose of interrogating them and violating their state and constitutional rights.

60. Defendant has further violated its statutory duty under state law to allow representation "alone and in private" by requiring, as a matter of formal policy, the execution of Form 11.573-A for all people seeking access to counsel in CPD stations via the telephone. That Form contains a mandatory waiver of privacy and forfeiture of constitutional and civil rights as a predicate for stationhouse representation.

61. Plaintiffs have had members arrested during the protests who were subject to Defendant's restrictions on attorney and phone access, and all Plaintiffs have been forced to divert organizational resources from their respective missions to address Defendant's misconduct concerning attorney and telephone access.

62. As a result of CPD's ongoing policies, members of #LETUSBREATHE COLLECTIVE, STOP CHICAGO, BLACK LIVES MATTER CHICAGO, UMEDICS, and GOODKIDS MADCITY are likely to be arrested and denied access to counsel in the future. Attorneys with the PUBLIC DEFENDER and NATIONAL LAWYERS GUILD CHICAGO are likely to be prevented from fulfilling their organizations' missions to defend and protect the rights of arrestees in police custody.

63. All Plaintiffs have a protected interest in ensuring the right of access to counsel and phone calls for people in CPD custody, such that they have standing to bring this mandamus petition.

64. The PUBLIC DEFENDER has a separate interest in ensuring her office can meet its statutory and judicial authority to represent people being held in police custody. The PUBLIC DEFENDER also participates in this lawsuit in recognition of its “great importance to the administration of justice” within the City. *Burnette v. Terrel*, 232 Ill. 2d 522, 544-45 (2009).

65. Defendant CITY OF CHICAGO, acting through its agents at the CPD, has clear authority under Illinois statute to comply with the requested relief. Defendant CITY OF CHICAGO has the power and affirmative duty to implement remedies to its statutory violations, as set forth in this complaint.

66. The CITY OF CHICAGO’s conduct in its police stations, as described herein, was the proximate cause of the harm incurred to members of the Plaintiff organizations.

COUNT II - STATE LAW CLAIM

725 ILCS 5/103-3

67. Plaintiffs reallege all previous paragraphs of this Complaint, including under Count I, as though fully set forth herein.

68. Pursuant to 725 ILCS 5/103-3(a), arrestees “shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.” Reasonable time means “within the first hour...after arrival at the place of custody.” 20 Ill. Adm. Code § 720.20(b).

69. The CITY OF CHICAGO, acting through its agent, CPD, has violated the rights of arrestees in Chicago, including members of the Plaintiffs organizations, as provided for by 725 ILCS 5/3-103, by systematically denying them access to a telephone at a reasonable time (within one hour) after being brought into custody.

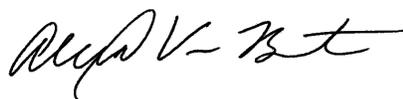
70. Members of the Plaintiff organizations, including #LETUSBREATHE COLLECTIVE, STOP CHICAGO, BLACK LIVES MATTER CHICAGO, UMEDICS, and GOODKIDS MADCITY, were and will in the future be harmed by the CITY's violations. Attorneys with the PUBLIC DEFENDER and NATIONAL LAWYERS GUILD CHICAGO have been and are likely in the future to be prevented from fulfilling their organizations' missions to defend and protect the rights of arrestees in police custody, pursuant to 725 ILCS 5/3-103.

71. The CITY OF CHICAGO's conduct in its police stations, as described herein, was the proximate cause of the harm incurred to members of the Plaintiff organizations.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court issue a writ of mandamus requiring Defendant CITY OF CHICAGO to comply with its non-discretionary duty to ensure access to counsel and phones at CPD stations, pursuant to 725 ILCS 5/103-3 and 725 ILCS 5/103-4, and for such other injunctive relief as necessary to ensure the CITY complies with Illinois law governing access to counsel and to phones.

Dated: June 23, 2020

Respectfully submitted,



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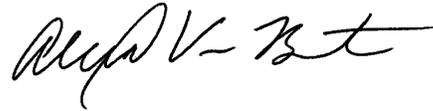
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ATTORNEYS FOR PLAINTIFFS

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Alexa Van Brunt

EXHIBIT A

Affidavit of Amy P. Campanelli, Public Defender of Cook County

1. I, Amy P. Campanelli, am the Public Defender of Cook County. The Law Office of the Cook County Public Defender provides legal representation to thousands of low-income Cook County residents who are held in custody or who are charged with the commission of any criminal offense, and who the court finds are unable to employ counsel. 55 ILCS 5/3-4006. As the head of the Public Defender's Office, I manage, evaluate and implement the Office's policies.
2. The Law Office of the Cook County Public Defender is dedicated to protecting our clients' fundamental rights as guaranteed by the U.S. Constitution by providing quality legal representation in criminal proceedings.
3. Cook County is the most populous county in the State of Illinois, with over 5 million residents. With more than 500 attorneys and an annual budget of \$78 million, the Law Office of the Cook County Public Defender is one of the largest public defender offices in the country. We represent clients in 12 separate locations, including 5 suburban courthouses, Juvenile Court, Domestic Relations Court, Traffic Court, 3 branch court locations throughout Chicago, and the Leighton Criminal Courthouse.
4. The Public Defender's Office also has highly specialized divisions made up of qualified attorneys who are well-versed in the most current legal tools and trial techniques. One of these specialized divisions is the Police Station Representation Unit (PSRU) which I created in April of 2018. The PSRU is made up of on-call attorneys that provide immediate legal representation to anyone who is arrested and detained by law enforcement in Cook County.
5. The PSRU is an essential entity tasked with (1) enforcing Cook County residents' right to counsel, and (2) preserving important resources in the criminal justice system. In Fiscal Year 2018, the PSRU made approximately 500 police station visits. PSRU made over 1,000 police station visits during Fiscal Year 2019.
6. The PSRU was created by judicial order. On March 14, 2017, Cook County Chief Judge Timothy C. Evans entered General Administrative Order 2017-01 which governed the appointment of the Public Defender or designee for persons in police custody. Chief Judge Evans specifically ordered:

Pursuant to the court's inherent authority to assign counsel in criminal cases and effective immediately, **IT IS HEREBY ORDERED** that, when an arrestee or other

person not represented by counsel is held in police custody and requests court-appointed legal representation, and representation is available from the Law Office of the Cook County Public Defender or its designee ("Public Defender"), the Public Defender shall be deemed appointed by the court as defense counsel, pending appearance before the court.

7. In response to General Administrative Order 2017-01, my Office began sending Assistant Public Defenders to the police stations of Cook County whenever we were called by an arrestee or a member of their family requesting our assistance. Shortly after the entry of the Order, the CPD had agreed to put up posters (as required by Illinois statute since 1965) that our office created with the Department in every room in CPD facilities where someone is held in custody, except for lock-ups. The posters stated the rights of persons in CPD custody, including the right to consult and communicate with an attorney and the right to phone access. CPD further agreed to place the PSRU telephone number next to each poster in multiple languages. However, the posters and PSRU number continue to be absent and not visible in CPD stations to the present day.
8. Before the onset of the COVID-19 pandemic, the Public Defender's Office experienced repeated problems in accessing clients in police custody. In particular, clients are regularly denied access to a phone to call our office within an hour of being brought into custody, as required by 20 Ill. Adm. Code § 720.20(b).
9. Until March 2020, when the COVID-19 pandemic took hold, my PSRU attorneys personally visited clients in police custody. During those 23 months, there were persistent issues with the Chicago Police Department (CPD) allowing arrestees phone access so that they could request counsel and call my PSRU.
10. In March 2020, as the COVID-19 pandemic spread and stay-at-home orders were entered by the Governor of Illinois, the President of Cook County, and the Mayor of Chicago, personal visits to police stations to those in custody were no longer feasible. On March 28, 2020, I emailed CPD General Counsel Dana O'Malley and stated that for public safety and health reasons, the Public Defender would be ceasing our in-person police station visits for at least the next two weeks, and asking to have telephone access to those in custody for whom our legal representation was requested.
11. On April 14, 2020, Dana O'Malley emailed in response that the proposal for telephone access was "untenable" because CPD was "unable to provide a telephone and a secure place for an arrestee to speak with his or her attorney and ensure that privilege is protected." *See* Emails Between A. Campanelli and D.

O'Malley, attached as Ex. 1 hereto. Further, Ms. O'Malley wrote that there was no way to ensure that the person calling was an attorney.

12. I answered Dana O'Malley on April 16, 2020, first asking if CPD had honored my request for the prior two weeks. Second, I pointed out that 725 ILCS 5/103-3, a law in Illinois since 1963, requires that arrestees be allowed a reasonable number of telephone calls within a reasonable time after arrest, and that Section 103-4 (also the law since 1963) guarantees that every arrested person shall be allowed to consult with any licensed attorney at law of this State alone and in private at the place of custody, as many times and for such period each time as is reasonable. Third, I noted that verification of identity could be easily solved and that I could provide CPD the phone numbers and names of my PSRU attorneys.
13. On April 17, 2020, Dana O'Malley responded that my attorneys were essential employees under the Governor's order and thus could come to CPD police stations since they were not required to stay at home. She also stated that CPD did not have the infrastructure to permit confidential telephone calls to counsel.
14. After receiving the April 17th email, I contacted Joe Ferguson, the Inspector General for Chicago, and Maggie Hickey, the Independent Monitor of the CPD federal consent decree case, *State of Illinois v. City of Chicago*. They contacted Dana O'Malley; after several conversations and emails, CPD agreed to allow telephone access between arrestees and my PSRU attorneys, but only with particular conditions in which clients would be forced to waive their right to confidential communications with their lawyer in order to get access to a phone to call their lawyer.
15. In particular, CPD insisted that in order for an arrestee to talk to one of my attorneys, he or she would have to sign an "Attorney/711 Visitation Notification Limited Waiver." That waiver is part of the Attorney/711 Visitation Notification form (CPD-11.573-A), attached hereto as Exhibit 2. An additional "limited waiver" was adopted by CPD, which has the arrestee sign a form stating: "During the pendency of the COVID-19 Pandemic, Arrestee/Person In-Custody acknowledges that he/she has been advised that CPD cannot guarantee full privacy during any telephonic or virtual conversation and that he/she may not use any inadvertent overhear as a basis to defeat criminal charges or in civil litigation should any occur."
16. CPD also insisted that while the Desk Sergeant (DSS) and Watch Lieutenant would allow an arrestee to sign a Declaration of Rights (DOR), expressing his

right to counsel and to remain silent under the Fifth Amendment, they refused either to sign an acknowledgement that a DOR was tendered or provide a receipt showing that a DOR was tendered.

17. As a result, in order to have telephonic access to arrestees during the COVID-19 pandemic, a right guaranteed by common law and statute, I had to acquiesce to the following paragraphs that were insisted upon by CPD:

_____ acknowledges that he/she has been advised that CPD cannot guarantee full Limited Waiver: During the pendency of the COVID-19 Pandemic, Arrestee/Person In-Custody, privacy during any telephonic or virtual conversation and that he/she may not use any inadvertent overhear as a basis to defeat criminal charges or in civil litigation should any occur

See Limited Waiver, Form CPD-11.573-A, attached hereto as Exhibit 2.

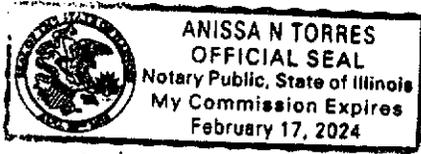
18. During the communication with Dana O'Malley, I learned that the Cook County State's Attorney does have virtual and telephonic access to witnesses and arrestees, and to the best of my knowledge has had such access since the start of the COVID-19 pandemic.
19. This issue presents one of great public importance. The Office of the Public Defender, and the PSRU, is systemically being impeded by the City of Chicago, acting through the CPD, from providing representation to people in police custody, as required by statute and judicial order. CPD's waiver requirement and lack of telephone access to clients prevents the PSRU attorneys from providing defense representation and protecting the constitutional and state law rights of its clients, particularly during police questioning.
20. PSRU attorneys are submitting separate declarations in this action detailing their specific experiences being denied access to counsel.
21. As of the date of this Declaration, the CPD has continued its long-standing policies regarding denying phone access to clients in a timely manner and continues to require our clients to waive their right to confidential attorney/client communications in order to obtain access to a phone to contact counsel. Absent a writ of mandamus, the PSRU and its clients will face future harm and the deprivation of their constitutional and state law rights.

Declaration submitted this 17 day of June, 2020

Amy P. Campanelli

Digitally signed by Amy P. Campanelli
DN: cn=Amy P. Campanelli, o=Public Defender of Cook
County, ou=Law Office of the Cook County Public Defender,
email=amy.campanelli@cookcountyil.gov, c=US
Date: 2020.06.17T14:44:40-0500

Amy P. Campanelli
Public Defender of Cook County



Anissa N. Torres
June 17th, 2020

APPENDIX 1

From: O'malley, Dana <dana.omalley@chicagopolice.org>
Sent: Friday, April 17, 2020 7:15 PM
To: Amy Campanelli (Public Defender) <amy.campanelli@cookcountyil.gov>
Cc: Boik, Robert A. <Robert.Boik@chicagopolice.org>; Lester Finkle (Public Defender) <lester.finkle@cookcountyil.gov>; Eileen Heisler (Chief Judge's Office) <eileen.heisler@cookcountyil.gov>; Lanetta HaynesTurner (Presidents Office) <Lanetta.HaynesTurner@cookcountyil.gov>; mark.flessner@cityofchicago.org
Subject: Re: Representation of clients by PSRU during the COVID-19 health crisis

Good evening Amy:

Thank you for your email. The Department is aware of the stay at home order and understands that it includes an exception for those individuals who perform work that provides essential services including Governmental Functions and Essential Businesses and Operations. In Fact, Executive Order 2020-10 defines Essential Businesses and Operations to include professional services such as legal services. Therefore, it would appear that attorneys such as Public Defenders would fall under the express exception to the stay at home order.

With respect to your questions about the two week period set out in your initial email. It is important to note that your email was sent to the Department setting out the procedure that the PRSU attorneys were going to follow without any consultation with the Department so that any limitations the Department experienced could be discussed and addressed. This was frankly surprising given the extensive conversations that have taken place between the PD and the Department in the past few years to ensure that the PD's requests were addressed and discussed. Notwithstanding this unilateral procedure set forth in your March 28th email, the Department has spent the last two weeks attempting to meet these requests and I wrote to you on April 14th to discuss the difficulties the Department was facing with this procedure and to advise that it could not continue.

The Department is well aware of the requirements to provide a telephone call for arrestees to speak with counsel and as you know has worked with the PD's office to ensure that these opportunities for calls are afforded to each arrestee and has afforded a space for arrestees to consult with counsel at each District. The concern the Department has with the PD's proposed procedure is that the Department does not have the infrastructure for this. There is no area where there is a phone in a private room that an arrestee could consult with an attorney at length. There are rooms for in person consultation but those rooms do not have telephone lines and there is not a possibility to provide cellular telephones to arrestees. There are land lines that arrestees use to call counsel so that counsel can come to the station and represent them but there is not enough privacy in these areas for the Department to ensure that attorney client privilege is protected during prolonged conversations.

I am happy to discuss your proposal about registering phones so that it is clear that these phones will only be used by attorneys who work with the Public Defender's office with Operational Staff to determine whether that would satisfy the concern that was raised during

this two week period. But unfortunately even if that could be agreed to it does not negate the concerns raised above.

The Department understands the safety concerns you raise as they face these concerns daily as they go about their duties. And though the Department has suffered the loss of now three officers and have a number of officers who have contracted COVID-19 this is a risk that sadly all residents of Cook County face as they go about their lives in the shadow of a pandemic. We also want everyone to stay safe - arrestees, officers and attorneys - and to that end have taken measures to ensure that Districts are cleaned often and thoroughly and that masks and gloves are provided to those who are in these Districts. We would be happy to provide the attorneys who come to these stations with masks and gloves for their safety, In fact over the last two weeks we have had a number of private attorneys come to the District Stations to meet with clients who have been arrested.

As I stated in my earlier email we hope you understand the limitations faced by the Department at this time and that we can work together to ensure the safety of all those who come to the Districts.

Best,
Dana

CONFIDENTIAL & PRIVILEGED

ATTORNEY CLIENT AND/OR WORK PRODUCT PRIVILEGE APPLIES

Dana O'Malley
General Counsel
Chicago Police Department
Office of the Superintendent
3510 S. Michigan Ave. 5th Fl.
Chicago, IL 60653
(O)312-745-6115
(C) 312-520-1932

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From: Amy Campanelli (Public Defender) <amy.campanelli@cookcountyil.gov>
Sent: Thursday, April 16, 2020 4:05 PM
To: O'malley, Dana <dana.omalley@chicagopolice.org>
Cc: Boik, Robert A. <Robert.Boik@chicagopolice.org>; Lester Finkle (Public Defender) <lester.finkle@cookcountyil.gov>; Eileen Heisler (Chief Judge's Office) <eileen.heisler@cookcountyil.gov>; Lanetta HaynesTurner (Presidents Office) <Lanetta.HaynesTurner@cookcountyil.gov>; mark.flessner@cityofchicago.org <mark.flessner@cityofchicago.org>
Subject: RE: Representation of clients by PSRU during the COVID-19 health crisis

Dana:

I received your email and admit that I was surprised by your response. Governor Pritzker and Mayor Lightfoot have asked everyone to stay home in no uncertain terms. We are in the midst of a pandemic that affects everyone, and I am certain that you do not wish to expose any person – whether police officer, defense counsel, or person arrested – to the coronavirus, and that you'll agree that every precaution must be taken. These are extraordinary times that require measures that move beyond policy and rigid thinking. That said, your email raised questions and concerns that I hope you can answer.

First, you wrote that “your proposal below was for a two-week period which has now expired and the proposals you have listed below are untenable for the Department to continue.” My “proposal below” was sent to you on March 28th; your response was emailed yesterday, on April 14th. Are you saying, unbeknownst to anyone in my Office, that the Chicago Police Department was complying officewide with our proposal for confidential telephone contact with those in custody during the two weeks following March 28th? Did CPD issue a regulation that permitted this? If so, then why is it untenable to continue? If not, why is it now unacceptable to continue this informal practice if the same safety concerns related to the COVID-19 pandemic continue to exist?

Second, the reasons that you give why CPD cannot comply raise even more questions. You state that CPD cannot provide a telephone and a secure place for an arrestee to speak with an attorney. I find this statement somewhat shocking, given that CPD is required by law to do so.

Section 103-3 of the Illinois Code of Criminal Procedure has required since 1963 that every person arrested has the right to communicate with an attorney “by making a reasonable number of telephone calls . . . within a reasonable time” after arrest. Section 103-4, also the law since 1963, adds to that, guaranteeing that every arrested person shall be “allowed to consult with any licensed attorney at law of this State . . . alone and in private at the place of custody, as many times and for such period each time as is reasonable.”

Of course, in 1966, *Miranda v. Arizona* was decided, holding that the Fifth Amendment right to remain silent and to consult with an attorney was fundamental. As part of the decision, the Supreme Court held that once the Fifth Amendment right is triggered, law enforcement has an obligation to provide counsel within a reasonable period of time. 386 U.S. 436 at 474.

It is now 57 years since Illinois’ statute (and 54 years since *Miranda*) has required CPD to provide a confidential space where someone arrested can talk to an attorney, yet you write that CPD has neither the space nor the phone equipment to do so. That is impossible to believe. And it is also impossible to believe that CPD would flagrantly continue to violate Illinois and federal law.

Moreover, recent experience tells me that CPD has made arrangements for attorney phone contact with those who are in custody when it chooses to do so. Effective January 1, 2017, Illinois law required that an attorney must be provided for any juvenile under the age of 15 who is arrested. My Office has been called by members of CPD and have talked to juveniles over the phone. If this has been done for juveniles, surely it can be done for adults, and if I’m reading your email correctly, this has been done for adults during the two week time period you referenced.

Third, you wrote that CPD has no way to verify that the person on the phone is an attorney and a member of my Office. That issue can easily be solved. The attorneys in my Police Station Representation Unit have been given dedicated County-issued cell phones. We can register those phone numbers with the CPD. Any call from that phone number would only be from an attorney in my Office.

Alternatively, we could have a contact that CPD could call to verify that the attorney calling is, in fact, an attorney with my Office. The Sheriff has done that without incident concerning attorneys visiting the jail.

Fourth, you wrote that CPD has taken measures to ensure that the districts are clean and safe. I’m sorry, but the facts belie that statement. As of yesterday, CPD had 207 officers and 8 civilian employees confirmed as having coronavirus. In addition, another 91 were ill and awaiting confirmation. Two officers have tragically died. With thousands of officers making multiple arrests daily, even the cleanest of districts is subject to infection.

You end by asking that I understand CPD's limitations during this trying time. Instead, as I see it, the limitations imposed on all of us during the pandemic cry out that we implement telephone contact between those arrested and their attorneys. I want everyone to remain safe – officers, attorneys, and those arrested. It is more dangerous to all to insist on personal visits between attorney and client. I realize that perhaps CPD has never done this before, beyond the two-week timeframe you mentioned, but the trying times we are under demand a change in approach and in culture.

I ask that CPD, and Superintendent Brown, reconsider immediately. Thank you.

Amy P. Campanelli
Public Defender of Cook County

<image007.jpg>

Law Office of the Cook County Public Defender
69 W. Washington
16th Floor
Chicago, IL 60602
312-603-0718
312-603-9878 (fax)
amy.campanelli@cookcountyil.gov

<image008.jpg>

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From: O'malley, Dana <dana.omalley@chicagopolice.org>

Sent: Tuesday, April 14, 2020 5:21 PM

To: Amy Campanelli (Public Defender) <amy.campanelli@cookcountyil.gov>

Cc: Peter Parry (Public Defender) <peter.parry@cookcountyil.gov>; Aaron Goldstein (Public Defender) <Aaron.Goldstein@cookcountyil.gov>; Boik, Robert A. <Robert.Boik@chicagopolice.org>

Subject: Re: Representation of clients by PSRU during the COVID-19 health crisis

Amy,

The Department is in receipt of your email below and while we understand the concerns you may have for your employees during COVID-19 your proposal below was for a two week period

which has now expired and the proposals you have listed below are untenable for the Department to continue.

First and foremost, the Department is unable to provide a telephone and a secure place for an arrestee to speak with his or her attorney and ensure that privilege is protected. We do not have rooms with a hard wired line that can accept calls in where an individual can be secured while speaking to his or her attorney. Further, we do not have cell phones available to give arrestees to be able to make calls.

Second, in the last few days an attorney has emailed an ID and ARDC card to the District as identification to represent the arrestee. Unfortunately, there is no way to ensure that the person on the phone who calls in to speak to the arrestee is in fact the person who emailed the identification to the District. This, as a matter of policy, is unacceptable to the Department.

We would ask that PSRU attorneys continue to go to the Districts in person to speak with their clients and represent them in that manner.

To this end it is important to note that the Department has taken measures to ensure the Districts are cleaned thoroughly and that officers are taking measures to protect themselves and individuals who are arrested and brought to Districts.

We thank you for understanding the Department's limitations during this trying time.

Best,
Dana O'Malley

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From: Amy Campanelli (Public Defender) <amy.campanelli@cookcountyil.gov>
Sent: Saturday, March 28, 2020 6:19 PM
To: O'malley, Dana <dana.omalley@chicagopolice.org>
Cc: Peter Parry (Public Defender) <peter.parry@cookcountyil.gov>; Aaron Goldstein (Public Defender) <Aaron.Goldstein@cookcountyil.gov>
Subject: Representation of clients by PSRU during the COVID-19 health crisis

Hello, Dana

I hope you are well and staying safe.

Due to the Covid-19 crisis, I have decided to cease our in-person police station visits for the next two weeks. However, our nine attorneys in the Police Station Representation Unit (PSRU) will continue to represent clients in custody as best they can, pursuant to Chief Judge Evans' Order of March 14, 2017. When a person in custody requests counsel, our Office is "deemed appointed by the court as defense counsel."

To give full effect to Chief Judge Evans' Order during this crisis, we are asking for the cooperation of the Chicago Police Department:

1. When an in-custody client calls a PSRU attorney, the attorney will speak with the client privately and then be allowed to speak to an officer to declare that our Office represents the client. The officer will allow the client to invoke his privilege against self-incrimination over the phone with an officer present. The officer will provide information about the client's health and any charges being considered.

2. When a family member or friend of the in-custody client calls a PSRU attorney and states that the client is asking for legal representation, the PSRU attorney will call the Area or District, will announce that our Office is appointed to represent the client, and will be allowed to have a private phone conversation with the client. The officer will allow the client to invoke his privilege against self-incrimination over the phone with an officer present. The officer will provide information about the client's health and any charges being considered.

Thank you for your cooperation. Should you have any questions or comments, please do not hesitate to contact me, or either Peter Parry or Aaron Goldstein, both of whom are involved in managing my PSRU, and both of whom are copied on this email. Take care.

Amy P. Campanelli
Public Defender of Cook County

<image009.jpg>

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CAUTION - This message contains COVID-19 related content. Please be cautious of external messages with current topical themes.

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APPENDIX 2



ATTORNEY/711 VISITATION NOTIFICATION

CHICAGO POLICE DEPARTMENT



District/ Unit of Arrest:	Date:
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Department Facility of Custody:	Time:
---------------------------------	-------

ATTORNEY VISITATION INFORMATION	<input type="checkbox"/> DNA
--	------------------------------

Name:

Address:

Phone:

State ID/DL:	ARDC No.:
--------------	-----------

Time of Arrival:	Date:
------------------	-------

Time of Visitation:	Date:
---------------------	-------

711 LICENSEE INFORMATION	<input type="checkbox"/> DNA
---------------------------------	------------------------------

Name:

Address:

Phone:

State ID/DL:	711 License No.:
--------------	------------------

Agency:	Supervising Attorney Name:
---------	----------------------------

Time of Arrival:	Date:
------------------	-------

Time of Visitation:	Date:
---------------------	-------

ARRESTEE/PERSON IN-CUSTODY INFORMATION

Name:	DOB:
-------	------

RD No:	CB No.:
--------	---------

I _____ have been notified by the Chicago Police Department of the arrival of the above attorney/711. I understand that I have the right to consult with legal counsel. I knowingly and voluntarily:

Agree to the visitation. Decline the visitation.

Signature:	<input type="checkbox"/> Refused	Date:	Time:
------------	----------------------------------	-------	-------

REPORTING OFFICER INFORMATION

Name:	Star:	Unit:
-------	-------	-------

Signature:	Date:
------------	-------

STATION SUPERVISOR INFORMATION

Name:	Star:	Unit:
-------	-------	-------

<input type="checkbox"/> Visitation Allowed by Station Supervisor	<input type="checkbox"/> Visitation Denied by Station Supervisor
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Comments:

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Signature:	Date:
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FILED DATE: 6/23/2020 6:40 AM 2020CH04654



ATTORNEY/711 VISITATION NOTIFICATION LIMITED WAIVER



CHICAGO POLICE DEPARTMENT

District/Unit of Arrest:		Date:	
Department Facility of Custody:		Time:	
ATTORNEY VISITATION INFORMATION			<input type="checkbox"/> DNA
Name:			
Address:		Phone:	
State ID/DL:	ARDC No.:		
Time of Arrival:	Date:		
Time of Visitation:	Date:		
711 LICENSEE INFORMATION			<input type="checkbox"/> DNA
Name:			
Address:		Phone:	
State ID/DL:	711 License No.:		
Agency:	Supervising Attorney Name:		
Time of Arrival:	Date:		
Time of Visitation:	Date:		
ARRESTEE/PERSON IN-CUSTODY INFORMATION			
Name:		DOB:	
RD No.:	CB No.:		
I, _____ have been notified by the Chicago Police Department of the arrival of the above attorney/711. I understand that I have the right to consult with legal counsel. I knowingly and voluntarily:			
<input type="checkbox"/> Agree to the visitation.		<input type="checkbox"/> Decline the visitation.	
Signature:	<input type="checkbox"/> Refused	Date:	Time:
Limited Waiver: During the pendency of the COVID-19 Pandemic, Arrestee/Person In-Custody, _____ acknowledges that he/she has been advised that CPD cannot guarantee full privacy during any telephonic or virtual conversation and that he/she may not use any inadvertent overhear as a basis to defeat criminal charges or in civil litigation should any occur.			
Signature:	<input type="checkbox"/> Refused	Date:	Time:
REPORTING OFFICER INFORMATION			
Name:	Star:	Unit:	
Signature:	Date:		
STATION SUPERVISOR INFORMATION			
Name:	Star:	Unit:	
<input type="checkbox"/> Visitation Allowed by Station Supervisor		<input type="checkbox"/> Visitation Denied by Station Supervisor	
Comments:			
Signature:		Date:	

FILED DATE: 6/23/2020 6:40 AM 2020CH04654

EXHIBIT B

Affidavit of Amika Tendaji

My name is Amika Tendaji, I am a Chicago resident, and I give the following affidavit of my own observations under penalty of perjury.

1. Black Lives Matter Chicago is a membership organization working to end state violence and criminalization of Black communities by deconstructing white supremacist, capitalist, patriarchy.
2. Ujimaa Medics (UMedics) is a membership organization that trains community members on emergency medical care and attends events to support black communities that may need medical assistance.
3. Southside Together Organizing for Power (STOP) is a membership based organization aiming to build the power of residents in Woodlawn and surrounding neighborhoods on the South Side of Chicago to impact the forces and decisions that affect our lives.
4. I am an organizer for all three organizations and provided firsthand assistance in planning the protests disturbed by Chicago Police on May 31, 2020. I am a co-founder of UMedics, a mental health organizer for STOP and an organizer for Black Lives Matter Chicago.
5. Black Lives Matter Chicago planned the protests on May 31, 2020 in collaboration with the two other community groups. STOP and UMedics provided support during the protests. The goal of the protest was to publicly oppose police brutality by the Chicago Police Department and across the country. There are plans to continue protesting.
6. Members of these organizations were required to reallocate resource from the Hyde Park neighborhood protests and to the 2nd District Police Station, retaining an attorney for the arrested protestors and locating the arrested protestors over several hours and through the night of May 31 into June 1, 2020.
7. Specifically the following members were detained:
 - a. Malcolm London was detained by police on May 31. He repeatedly requested access to an attorney. CPD refused his requests. He was in custody for approximately 8 hours before he was able to consult with counsel in person.
 - b. Jennifer Pagan was detained by the police on May 31. She repeatedly asked for access to a telephone. She was never provided with a phone call/was denied a phone call until she was released.
 - c. Damon Williams was detained by the police on May 31. He repeatedly asked for access to a telephone. He was never provided with a phone call until he was released.
 - d. Christopher Brown was detained by the police on May 31. He repeatedly asked for access to a telephone. He was never provided with a phone call until he was released.

- e. Given the scope and scale of the protests, and based on information and belief, and preliminary reports, other members were also detained without access to counsel for a period of time that ranges from two hours to 48 hours.
8. In response to the denial of access to counsel, resources were diverted from the organization's primary mission in the following manner:
- a. Members spend approximately 3-4 hours communicating with police officials and attorneys in order to identify detained members who were denied access to counsel.
 - b. Members spend approximately 3-4 hours otherwise supporting the legal defense of members who were denied access to counsel, a defense which, based on information and belief, was and is restricted or hampered by denial of access to counsel
 - c. Members were forced to leave the location of their protest and reallocate resource to the 2nd District Police Station, affecting the success of their message being heard.
9. Members are likely to experience this harm in the future because the Chicago Police Department continues to make arrests of individuals, specifically brown and black protestors.

Dated: June 12, 2020

/s/ Amika Tendaji

Amika Tendaji



EXHIBIT C

DECLARATION OF Kristiana Rae Colón, Non-Arrestee Witness

1. I am a member of **the #LetUsBreathe Collective.**
2. **On Sunday May 31, 2020, I was present at the intersection of 53rd & Lake Park Avenue in Chicago at approximately 6:30pm.**
3. **Between 6:30-7:30pm, I witnessed Malcolm London, Damon A. Williams, Christopher Isaiah Brown, and Jennifer Pagán be placed under arrest by Chicago police officers, while experiencing significant brutality, including being slammed to the ground, beaten with batons, and having batons pressed into necks.**
4. **It took me approximately 3 hours to locate Malcolm London, Damon A. Williams, Christopher Isaiah Brown, and Jennifer Pagán.**
5. **Instead of carrying out activities to further my organization's mission, I was forced to spend time attempting to locate and obtain counsel for Malcolm London, Damon A. Williams, Christopher Isaiah Brown, and Jennifer Pagán.**
6. **Once counsel was obtained, counsel was denied access to the detained for an additional 4.5 hours.**

I do solemnly swear that the aforementioned statements given above are truthful and accurate and do acknowledge that they are given under penalty of perjury on this 11th day of June 2020.

Kristiana Colón

Signed:

Date: June 11, 2020

Kristiana Rae Colón

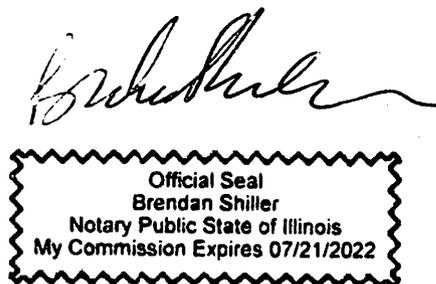


EXHIBIT D

AFFIDAVIT OF Damon Williams

1. I am a Chicago resident, am over the age of 18, and have personal knowledge of all matters contained herein. If called to testify about the contents of this affidavit I would be competent to do so
2. On May 31, 2020, I was arrested near 53rd and Lake Park at approximately 7:15pm by members of the Chicago Police Department. The officers did not read me my Miranda rights. I was not advised of my right to counsel at any time while in custody.
3. I was taken to 2nd District, at 51st and Wentworth in Chicago and was never asked if I would like a phone call to call my family or my attorney.
4. I was in custody for at least four hours before I was allowed to speak to an attorney. I later learned that I had two attorneys attempting to see me for nearly four hours before they were allowed to see me.
5. While in custody, I was not offered food or water, and the water fountain in the cell was not work. Further, most in custody with me did not have masks and were not offered masks. The officers we dealt with did not have masks.
6. I was asked to sign a waiver prior to being able to speak with counsel. The officer told that I would have to sign the paper to see my lawyer.
7. I was allowed to speak with counsel in person for approximately 5-7 minutes, in a non-private location.
8. I spent more than five hours in custody before I was released on I-bond.
9. I am a member of The #LetUsBreathe Collective.

I do solemnly swear that the aforementioned statements given above are truthful and accurate and do acknowledge that they are given under penalty of perjury on this 16 day of June, 2020.

Signed: Damon Williams Date: 6/16/20



EXHIBIT E

AFFIDAVIT OF Malcolm London

1. I am a Chicago resident, am over the age of 18, and have personal knowledge of all matters contained herein. If called to testify about the contents of this affidavit I would be competent to do so
2. On May 31, 2020, I was arrested near 53rd and Lake Park at approximately 7:15pm by members of the Chicago Police Department. The officers did not read me my Miranda rights. I was not advised of my right to counsel at any time while in custody.
3. Initially I was taken to St. Bernard Hospital because of injuries I received while being arrested. I was placed in a wheel chair and handcuffed to a rail while at St. Bernard. At no time was I given access to a phone. I was lucid and aware during the whole time.
4. At approximately 1:30 a.m., about six hours after I was arrested, I was able to see one of my attorneys, Javaron Buckley. I do not know how he located me.
5. At some point in the morning, I was transferred to 51st and Wentworth police station. After arriving at the police station, an officer who was a family friend came to talk to me. After that officer came to talk to me, I was allowed to make a phone call. I had been in custody for more than 12 hours when I was allowed to make that call.
6. I spent about 23 hours in custody before I was released on I-bond.
7. I am a member of The #LetUsBreathe Collective.

I do solemnly swear that the aforementioned statements given above are truthful and accurate and do acknowledge that they are given under penalty of perjury on this 16 day of June, 2020.

Signed: Malcolm London Date: 6/16/20

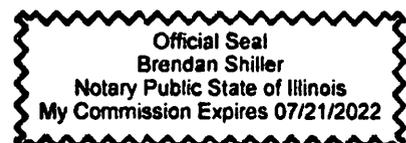


EXHIBIT F

AFFIDAVIT OF Christopher Brown

1. I am a Chicago resident, am over the age of 18, and have personal knowledge of all matters contained herein. If called to testify about the contents of this affidavit I would be competent to do so
2. On May 31, 2020, I was arrested near 53rd and Lake Park at approximately 7:15pm by members of the Chicago Police Department. The officers did not read me my Miranda rights. I was not advised of my right to counsel at any time while in custody.
3. I was taken to 2nd District, at 51st and Wentworth in Chicago and was never asked if I would like a phone call to call my family or my attorney.
4. During the entire time that I was in custody I was never allowed to speak to an attorney or make a phone call.
5. While in custody, I was not offered food or water, and the water fountain in the cell was not working. Further, most in custody with me did not have masks and were not offered masks. The officers we dealt with did not have masks.
6. I spent more than five hours in custody before I was released on I-bond.
7. I am a member of The #LetUsBreathe Collective, and I am member of BYP 100.

I do solemnly swear that the aforementioned statements given above are truthful and accurate and do acknowledge that they are given under penalty of perjury on this 16 day of June, 2020.

Signed: Christopher Brown Date: 6/16/20



EXHIBIT G

AFFIDAVIT OF Jennifer Pagan

1. I am a Chicago resident, am over the age of 18, and have personal knowledge of all matters contained herein. If called to testify about the contents of this affidavit I would be competent to do so
2. On May 31, 2020, I was arrested near 53rd and Lake Park at approximately 7:15pm by members of the Chicago Police Department.
3. The officers did not read me my Miranda rights. I was not advised of my right to counsel at any time while in custody.
4. I was taken to 2nd District, at 51st and Wentworth in Chicago and was not initially asked if I would like a phone call to call my family or my attorney.
5. I was in custody for at least four hours before I was allowed to speak to an attorney. I later learned that I had two attorneys attempting to see me for nearly three hours before they were allowed to see me.
6. I was offered a phone call after I was fingerprinted and my picture was taken, approximately three and a half hours. When I was allowed to make a call, I called my brother.
7. I was asked to sign a waiver prior to being able to speak with counsel. The officer told that I would have to sign the paper to see my lawyer.
8. I was allowed to speak with counsel in person for approximately 5-7 minutes.
9. I spent approximately five hours in custody before I was released on I-bond.
10. I am a member of The #LetUsBreathe Collective.

I do solemnly swear that the aforementioned statements given above are truthful and accurate and do acknowledge that they are given under penalty of perjury on this 16 day of June, 2020.

Signed: Jennifer Pagan

Date: 6/16/20



EXHIBIT H

AFFIDAVIT OF MOLLY ARMOUR

I, Molly Armour, state as follows based on my personal information:

1. I am a licensed criminal defense attorney in Chicago. I am a member of the National Lawyers Guild of Chicago (NLG Chicago) and its Mass Defense Committee (MDC). The MDC is a network of lawyers, legal workers, and law students providing legal support for political activists, protesters, and movements for social change. The NLG Chicago MDC also operates the Legal Observer® program, which is designed to enable people to express their political views as fully as possible without unconstitutional disruption or interference by the police. Legal Observers attend protests to protect against police abuses.
2. As a member of MDC, I provide defense representation to protesters and activists who have been detained or arrested by the Chicago Police Department. I have firsthand experience with being denied access to clients in CPD custody, including during the recent protests following the police killing of George Floyd.
3. On Saturday, May 30, 2020, I found out through MDC members that one of our Legal Observers had been arrested by the police while he was observing a demonstration. For years, NLG Chicago Legal Observers have been regularly dispatched to observe and monitor activities of law enforcement in relation to demonstrations. I knew this Legal Observer personally, and was deeply concerned for their wellbeing.
4. We eventually located the Legal Observer in custody at the 18th District Police Station, and NLG attorney Lillian McCartin went to the station and met with the Legal Observer. She reported that they had sustained injury from the police.
5. Thus, beginning at 11:41 p.m. on May 30, 2020, I called the 18th District Police Station to check on that Legal Observer's status. I placed approximately 14 calls to the 18th District that evening. Some of the calls were answered and then immediately hung up. Some of the calls were answered and I was able to speak with a CPD officer, identify myself as an attorney, and provide our client's name and date of birth. For most of those calls, I was then put on hold. Often while on hold, the call was terminated within minutes. I would immediately call back, and again identify myself as an attorney and ask for information about our client, the Legal Observer. When I called back at 11:50, I was put on hold for 42 minutes.
6. During my final phone call that night, at 12:30 a.m. on May 31, 2020, a CPD officer finally looked up our client in the system. She stated that there was

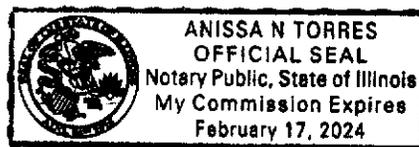
no record of that person being at the 18th District. I explained that I had reliable information that he was in fact there. She said a supervisor would have to look into it, and that she would pass along my information. I received no follow-up phone call from CPD.

- 7. I called again at 6:49 a.m. to again inquire and spoke to a CPD sergeant. She informed me that our client had been held at the 18th District Station, but was now released without charging.
- 8. NLG has previously encountered difficulties in accessing clients who are in CPD custody. In responding to CPD's on-going denial of access to counsel, NLG has been forced to divert resources from its primary mission to provide legal support for protesters and social justice movements. NLG members are physically impeded from doing their jobs by the tactics that CPD has employed, and must expend time and resources trying to locate and contact people in custody, so as to protect their constitutional and state law rights.
- 9. Also, when the police take a Legal Observer off the street, they take off the eyes that are watching them. CPD diminishes NLG's ability to watch the police, which is a key part of legal observing and the Guild's work. As a result, an arrest of a Legal Observer forces NLG to reallocate its resources to provide coverage for the arrested LO, and further undermines a key purpose of the organization.
- 10. Members of NLG are likely to encounter these same problems in the future. The Mass Defense Committee's mission is to represent and protect people who are arrested for participating in social change movements. People continue to be regularly arrested in Chicago for engaging in racial justice protests and NLG continues to represent them.

I state under the penalty of perjury that the foregoing is true and correct.

Dated: June ¹⁶~~8~~, 2020 (ma)

Molly Armour
/s/ Molly Armour
MOLLY ARMOUR



Anissa N. Torres
June 16th, 2020

EXHIBIT I

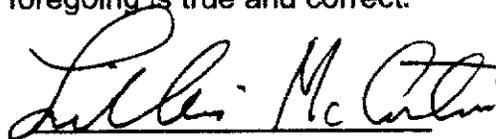
DECLARATION OF LILLIAN McCARTIN

I, Lillian McCartin, declare as follows:

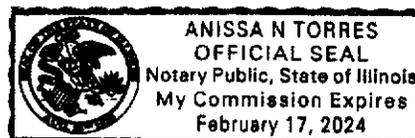
1. I am a licensed attorney in Chicago and working with the National Lawyers' Guild's Mass Defense Committee. I provide defense representation to protesters and activists who have been detained or arrested by the Chicago Police Department.
2. On May 31, 2020 I was give the name and date of birth of an individual who was believed to be in Chicago Police Custody, but whose location and status had not been verified.
3. On May 31, 2020, I called Central Booking five times over the course of four hours and each time there was only a busy signal. On that date I never received any information from Central Booking regarding the location or status of the individual.
4. I was given information from the individual's family that they had located the person's phone, using the Find My iPhone app, at the Chicago Police Department's First District at 18th and State.
5. On May 31, 2020 at around 5:30 PM I arrived at the First District and informed officers standing outside the station, that I was there to do a legal visit and showed my credentials. I was told to stand outside of the police station, I gave an officer the client's name and date of birth, when the Officer returned from inside, he informed me, my client had been released hours earlier. I asked to speak to the desk Sergeant and was allowed inside the station. The desk Sergeant told no one with that name was being detained at the First District.
6. I later learned from another NLG member, that my client was released from the First District at 3AM on June 1, 2020 and was charged with misdemeanor disorderly conduct.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 16, 2020



Lillian McCartin



Anissa N. Torres
June 16th 2020

EXHIBIT J

DECLARATION OF BRIAN OROZCO

I, Brian Orozco, declare as follows:

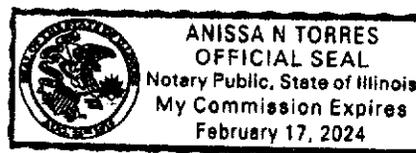
1. I am a licensed attorney in Chicago and working with the National Lawyers' Guild's Mass Defense Committee. I provide defense representation to protesters and activists who have been detained or arrested by the Chicago Police Department.
2. On 5/30/20, I found out through an attorney named Ashley Alvarez that our clients were arrested by Chicago Police Officers while participating in a peaceful mass demonstration.
3. On 5/30/20 at approximately 11:00 p.m. I arrived at the Second District Chicago Police Station located at 51st and Wentworth. Upon arrival, I was allowed into the police station. A police officer told me that because of "exigent circumstances" he could not let me to speak to my clients and to keep checking in with him every 15 minutes outside by motioning him through the window. I checked twice through the window every 15 minutes, and both of those times he motioned to me that he needed more time. After the second time, I was ignored by everyone in the station for more than two hours.
4. On 5/30/20 and 5/31/20, I called the 2nd District Police Station to determine the location of our clients multiple times. The first time that I called, I was asked if I had faxed in a request to meet with the client. When I said I did not and that I was outside, in response the officer on the line hung up the phone. The rest of the times that we called after that, no one picked up the phone. One of our client's friends were with me calling as well, and no one answered the calls.
5. On 5/30/20 and 5/31/20 I walked behind the station to try to speak to a police officer to be allowed in the station two times. The first time, I was confronted by two female officers in a squad car in the parking lot who ordered me to leave that area. I told them that I needed to speak to an officer in the station to speed up the process to see my clients. They said there was nothing they could do and I left. After about an hour, I walked to the back of the station a second time, walked up to the squad car and asked the officers if they could call into the station to speak to an officer to allow me to enter the station. One female officer obliged, called the station, and informed me that no one was picking up the phone and to just wait for someone in the station to let me in.

6. On 5/31/20, an African American Male in civilian clothes (who I believed to be a Chicago Police Officer) came to deliver pizza to the station. Upon his arrival, I walked towards him hoping to use him as an excuse to speak to someone in the station. A African American female officer came outside to obtain the pizza and when I tried to speak to her requesting entrance into the station to speak to my clients, she did not acknowledge my presence, ignored me, and went back in the station.
7. One of our clients was injured and wanted to speak to an attorney.
8. Our client was in custody at the Second Police District over eight hours and was not allowed to speak to her friends or an attorney for most of that time.
9. At approximately 2 a.m., I was finally allowed access to see our client with my friend and attorney Ashley Alvarez. We had to wait in the station for approximately thirty minutes before being able to see our client. We learned that another client was being held at the station located at Belmont and Western. We found out that our third client was not in the system.
10. At approximately 2:30 a.m., Ashley Alvarez and I were finally allowed to speak to our client in a booth through glass.
11. Our client was finally released at approximately 3:30 a.m. and was charged with a misdemeanor.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 19, 2020

/s:Brian Orozco
Brian Orozco



Anissa N. Torres
June 19th 2020

EXHIBIT K

Affidavit Eric Malone

My name is Eric Malone, I am a Chicago resident, and I give the following affidavit of my own observations under penalty of perjury.

1. GoodKids MadCity is a membership organization of Black and Brown youth united in fighting to end violence in cities and fighting for more resources in underserved communities.
2. I am an organizer for GoodKids MadCity
3. Members of this organization was required to reallocate resource neighborhood protests and to Police Stations, and was required to find and retain attorneys for the arrested protestors and locating the arrested protestors over several hours and through the night of May 31 into June 1, 2020.
4. In response to the denial of access to counsel, resources were diverted from the organization's primary mission in the following manner:
 - a. Members spend approximately 3-4 hours communicating with police officials and attorneys in order to identify detained members who were denied access to counsel.
 - b. Members spend approximately 3-4 hours otherwise supporting the legal defense of members who were denied access to counsel, a defense which, based on information and belief, was and is restricted or hampered by denial of access to counsel
 - c. Members were forced to leave the location of their protest and reallocate resource to Police Stations, affecting the success of their message being heard.
5. Members are likely to experience this harm in the future because the Chicago Police Department continues to make arrests of individuals, specifically brown and black protestors.

Dated: June 22, 2020

/s/ Eric Malone



Eric Malone



EXHIBIT L

AFFIDAVIT OF Eliza Solowiej Esq.

I, Eliza Solowiej Esq, state the following based on personal information:

1. I am a licensed attorney in Illinois, and the Executive Director of First Defense Legal Aid (FDLA) September 2012- present.
2. In or around October 2012, the Chicago Police Department (CPD) Legal Affairs Dept. Chief told me at a meeting at the Office of the Cook County Public Defender that the CPD would document every attorney visit made to anyone in their custody going forward, to track access to counsel issues or show there were none.
3. In or around February 2013, the CPD Legal Affairs Dept. Chief told me at a meeting at the Office of the Cook County Public Defender that Chicago Police Department (CPD) processing procedure was changed to allow for no more than a 20 minute delay going forward, instead of the often 8 hours CPD was taking, to confirm an arrestee was in custody and provide their whereabouts to their lawyers.
4. In November of 2014, the Chicago Police Department issued data to FDLA on the total numbers of arrests and attorney visits in calendar year 2013, showing less than 0.2% had counsel at any point of their up to 72 hours in Chicago custody.
5. In January of 2015, the CPD provided data to FDLA on the numbers of arrests and attorney visits in calendar year 2014, showing less than 0.3% had counsel at any point of their up to 72 hours in Chicago custody.
6. In April of 2015, Corporate Counsel for the Chicago Police Department along with the Chief of the Bureau of Internal affairs told me at a meeting at the Office of the Cook County Public Defender that they "now know," that virtually no one is able to make calls from the station until the very end of their time in custody due to police procedure. They said because lockup is not accessible to arresting officers and detectives, and is where phones are installed, arrestees do not get access to the phones until after the investigation is completed. They said they were exploring the logistics of correcting this as soon as possible.
7. In January of 2016, the Chicago Police Department provided data to FDLA on the numbers of arrests and attorney visits in calendar year 2015, showing less than 0.6% had counsel at any point of their up to 72 hours in Chicago custody.

8. In March 2016, now Mayor Lori Lightfoot was lead author of a report using Chicago Police Department data to show vast incommunicado detention of all child and adult detainees including the mentally ill and at all CPD facilities. The Police Accountability Task Force she chaired published the need for the Mayor's office, City Counsel and CPD to ensure phone calls be provided to arrestees within 1 hour of arrest for adults and 30 minutes for juveniles. It researched affordable means for the CPD to do so, and named an end to incommunicado detention a must for improving police-community relations. I attended these meetings personally along with Deputies of the Office of the Cook County Public Defender and now Inspector General Joe Ferguson.
9. In January of 2017, the Chicago Police Department provided data to FDLA on the numbers of arrests and attorney visits in calendar year 2016, showing less than 1.0% had counsel at any point of their up to 72 hours under departmental control.
10. In April of 2017, the commander at CPD's 2nd district told me along with a member of the Cook County Public Defender's Office that no phones were available to arrestees until the end of the up-to 72 hour process, because of the physical placement of the phones in the station and the physical path of an arrestee being investigated and processed. They are not allowed near the phones while with police and detectives, but later while they wait with civilian lock-up keepers for release or transfer.
11. In April of 2017, the desk sergeant at CPD's 6th district told me along with a member of the Cook County Public Defender's Office that no female arrestee is able to make any phone calls on site. They explained this is because there is no female lockup and after the police investigation females are transferred offsite.
12. In April of 2017, the commander at the 8th district told me along with a member of the Cook County Public Defender's Office and in the presence of a CPD legal affairs attorney, that no phones were available to arrestees until the end of the up-to 72 hour process, because of the physical placement of the phones and the physical path of an arrestee being investigated and processed. They are not allowed near the phones while with police and detectives, but later while they wait with civilian lock-up keepers for release or transfer.
13. In January of 2018, the Chicago Police Department provided data to FDLA on the numbers of arrests and attorney visits in calendar year 2017, showing less than 1.5% had counsel at any point of their up to 72 hours in city custody.

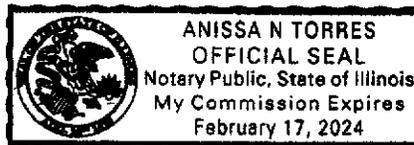
14. In January of 2019, the Chicago Police Department provided data to FDLA on the numbers of arrests and attorney visits in calendar year 2018, showing less than 2.0% has counsel at any point of their up to 72 hours in Chicago police custody.
15. In December of 2019, Alderman Taliaferro, Chair of City Council's Public Safety Committee, told me at City Hall that whether a legislative fix to incommunicado detention in police stations would be allowed to proceed after being assigned to his committee, would require the Mayor and CPD's support prior to a hearing being scheduled.
16. In January of 2020, the Mayor's office (Chief of Staff and Dept. Mayor for Public Safety) and CPD legal affairs said to me on a conference call that they would not allow a legislative fix to the ongoing problem of incommunicado detention in CPD custody to proceed in City Counsel, but as a city government, do only what is required by a judge.
17. In January of 2020, the Chicago Police Department provided data to FDLA on the numbers of arrests and attorney visits in calendar year 2019, showing less than 2.0% has counsel at any point of their up to 72 hours in city custody. This is the first year on record that the curve of increased access to counsel began to flatten at ~2.0%, the highest rate of access to counsel on record for Chicago arrestees.

I declare under the penalty of perjury that the foregoing is true and correct. If called to testify about the contents of this affidavit, I would be competent to do so.

Eliza Solowiej

Dated: June 15, 2020

Eliza Solowiej



Anissa N. Torres
June 15th, 2020

EXHIBIT M

AFFIDAVIT OF ERA LAUDERMILK

I, Era Laudermilk, state as follows:

1. I am a licensed attorney in Chicago and am Deputy of Legislative Affairs at the Law Office of the Cook County Public Defender.
2. On behalf of the Law Office of the Cook County Public Defender, social workers regularly collect social history information from Public Defender clients prior to appearing in bond court. This information can include survey questions about whether the client received access to a phone upon arrest and whether the client saw signage posted at the station showing a phone number to call for legal counsel. The social workers submit this information to the Assistant Public Defenders representing these clients in bond court. The Deputy Chief of the Felony Trial Division subsequently emails all of the completed forms to me.
3. These survey data include whether the defendant was able to speak to an attorney, and if so, how long it took the defendant to get access to a telephone. Between April 16, 2020 and June 5, 2020, the social workers surveyed 1,468 people in bond court.
4. The survey data show that CPD is routinely denying people in police custody access to a phone. Of the 1,468 surveyed, 338 (23%) stated that the Chicago Police never offered them access to a phone at any point while they were detained at the police station. Only 1016 (69%) stated that they were offered a phone access. Phone access data is missing for the other 8% surveyed.
5. Of the 1,016 individuals who did receive a phone call, more than half waited over an hour after their arrival before they were offered a phone call (560 individuals, 55% of those offered a call). Nearly one in four individuals waited for five or more hours (224 individuals, 22% of those offered a call). Sixty-four individuals waited ten or more hours (6% of those offered a call).
6. The average wait time for individuals who were offered a phone call was 4.2 hours. Six individuals reported waiting 48 hours after arriving at the police station before they were offered a call.
7. The survey data also show that CPD continues to refuse to provide an attorney's number to individuals upon arrival in a police station. Of the 1,468 individuals surveyed, only 193 (13%) stated that they were provided an attorney's number when they arrived at the police station.

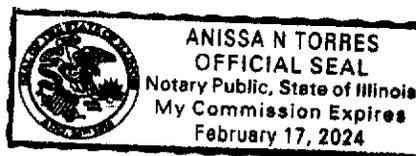
8. These patterns have continued into June. From June 1 to June 5, 2020, the Assistant Public Defenders surveyed 481 people who were proceeding before a bond court judge. One in four of those surveyed stated that they were never offered a phone call at any point while they were in CPD custody. Only 69% stated that they were offered a phone call, with phone access data missing for the remaining 6%. Furthermore, only 10% of those surveyed in June stated that they were provided an attorney's number at the police station. Of the people who were offered phone access, the average wait time was 5.2 hours, with 27% of those who were offered a phone call waiting for five or more hours.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Era Laudermilk

Dated: June 16, 2020

Era Laudermilk



Anissa N. Torres
June 16th 2020

EXHIBIT N

AFFIDAVIT OF DAVID ZUMBA

I, DAVID ZUMBA, state the following based on personal information:

1. I am a licensed attorney in Illinois and work with the Police Station Representation Unit ("PSRU") with the Cook County Public Defender's Office.
2. The duties of my job are to serve the community of Cook County by answering and responding to phone call inquiries from people seeking legal representation for themselves or others that are in police custody.
3. I have been a member of PSRU since November 2019. During this time, I have encountered numerous instances where police departments within Cook County have delayed or prevented me from speaking with detainees, however, I would like to focus on three instances to illustrate my experience.
4. First, CLIENT 1:
 - a. On May 31, 2020, I found out by receiving a phone call to my unit's arrest hotline that CLIENT 1 was arrested by Chicago Police officers while participating in a protest in the Hyde Park neighborhood in Chicago.
 - b. On May 31, 2020, I called Central Booking five times to determine the location of CLIENT 1. Each attempt I made was not answered.
 - c. On May 31, 2020, I called the 1st District Police Station four times to determine the location of CLIENT 1. Each attempt I made was not answered.
5. Second, CLIENT 2:
 - a. On May 1, 2020, I found out by receiving a phone call to my unit's arrest hotline that CLIENT 2 was arrested by Chicago Police officers while participating in a protest on the Northside of Chicago.
 - b. On May 1, 2020, I called the 24th District Police Station in an attempt to speak with CLIENT 2.
 - c. I spoke with Sergeant Sweeney (#2254) who escalated my request to his superiors. Sergeant Sweeney contacted me after stating that he spoke with Chicago Police Department legal resources and informed me that a phone call with CLIENT 2 would not be allowed.

6. Third, CLIENT 3:

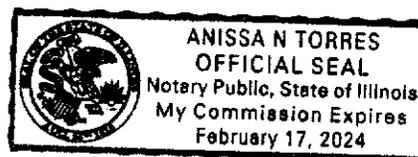
- a. On April 28, 2020, I found out by receiving a phone call to my unit's arrest hotline that CLIENT 3 was arrested by Chicago Police officers.
- b. On April 28, 2020, I called Area Central detectives in an attempt to speak with CLIENT 3.
- c. I spoke with Detective Rihani (#20381) who refused to allow me to speak with CLIENT 3 or to notify CLIENT 3 that I was calling. I asked to speak with a supervisor and received a phone call about thirty minutes later from Sergeant Blair (#1741).
- d. Sergeant Blair informed me that he had escalated my request to Felony Review. Sergeant Blair informed me later that CLIENT 3 was no longer being questioned and that CLIENT 3 would be presented with my contact information if detectives sought to question CLIENT 3 again.

I declare under the penalty of perjury that the foregoing is true and correct. If called to testify about the contents of this affidavit, I would be competent to do so.

Dated: June 18, 2020

David Zumba

DAVID ZUMBA
Attorney, #633597



Anissa N. Torres
June 18th 2020

EXHIBIT O

DECLARATION OF JESSICA GINGOLD

I, Jessica Gingold, declare as follows:

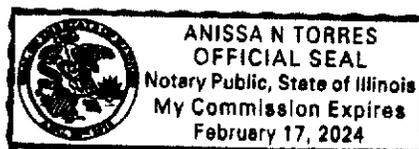
1. I am a licensed attorney in Chicago and working with the Lawndale Christian Legal Center. I provide defense representation to youth and emerging adults from the North Lawndale Community who have been detained or arrested by the Chicago Police Department.
2. On May 10, 2020, I found out from my client's case manager that CLIENT was arrested for an alleged offense and taken to the 10th District Police Station.
3. On May 10, 2020 at 8:07 p.m. I called the 10th District Police Station and spoke to Sergeant Corral who was able to confirm that CLIENT was there.
4. I explained that I am a lawyer from the Lawndale Christian Legal Center, and that we currently represent CLIENT. I asked to be able to speak with him on the phone.
5. I was told I would only be permitted to speak with him if I came to the 10th District in person.
6. I explained that because of the current COVID-19 crisis and the stay-in-place order, I did not want to unnecessarily risk the health of those at the station or myself by going in person, and again asked to speak with CLIENT over the phone.
7. I was told that no detectives or officers had questioned CLIENT and no one was planning to question him before he is taken to bond court the next day.
8. Based on these representations, I ended the call, and followed up with an email documenting the refusal of the Sergeant to allow me to speak with CLIENT.
9. We later learned that CLIENT had been arrested at 2:17 a.m. on May 10, 2020, and that detectives had questioned him at around 6:00 a.m. that morning.
10. On May 11, 2020, CLIENT was transported to bond court.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2020

/s/ Jessica Gingold

Jessica Gingold



Anissa N. Torres
June 17th, 2020

EXHIBIT P

DECLARATION OF CRISTINA LAW MERRIMAN

I, Cristina Law Merriman, declare as follows:

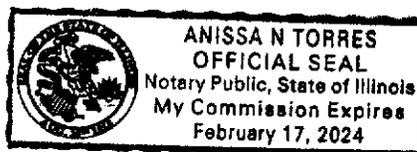
1. I am a licensed attorney in Chicago and work at Lawndale Christian Legal Center. I represent clients who have been detained or arrested by the Chicago Police Department.
2. On April 27, 2020 at approximately 7:30 p.m., I was notified by my client's mother that my client was arrested by Chicago Police Department officers from the 11th District.
3. At approximately 7:45 p.m., I called the 11th District police station to determine the location of my client. I spoke with Officer Gage (woman) who confirmed that my client was in custody at the 11th District. I asked Officer Gage if I could speak with my client and she said she had to ask the arresting officers.
4. Officer Edward Valazquez #19208, one of the arresting officers, picked up the phone, and I asked to speak with my client. Officer Valazquez said that my client was still being processed and that my client could call me after he was done being processed from lock up. I explained that my client was entitled to access to his lawyer and asked to speak with him before going to lock up. Officer Valazquez said he was going to ask his sergeant and call me back. I gave him my name and cell phone number to call me back.
5. At about 8:00 p.m., I called the 11th District and asked to speak with Officer Valazquez. When he picked up, I asked again to speak with my client on the phone. He told me that I could not. I then asked to be transferred to his sergeant and Officer Valazquez hung up on me.
6. I immediately called back and asked to be transferred to Officer Valazquez's sergeant. I was transferred to Sergeant Geyer #1679 who told me that my client was still being processed. He said that my client would get a phone call in lock up where the phone is. He told me that processing can take 1-2 hours. I asked why my client could not be given access to a phone before going to lockup and was told that this was the procedure. I explained that my client was entitled to access to his lawyer, and Sergeant Geyer started yelling that this was not going to happen. I explained that I could email him my attorney credentials, and he again told me no. Sergeant continued to yell and tell me that my client could not call me until after being processed and that this was the procedure.

7. After getting off the phone with Sergeant Geyer, I sent an email to the 11th District (CAPS.011District@chicagopolice.org and 011hotseat@chicagopolice.org) explaining that my client was represented by counsel and that any questioning of my client should stop immediately. I also requested that my client be given access to a phone to contact his lawyer as soon as possible.
8. I never receive a call from my client while he was in Chicago Police Department custody.
9. On April 28, 2020, my client was transported from the 11th District to bond court.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2020


Cristina Law Merriman



Anissa N. Torres
June 17th, 2020

EXHIBIT Q

Affidavit of Aaron Goldstein

I, Aaron Goldstein, state the following based on personal information:

1. I am a lawyer licensed to practice law in the State of Illinois. I am also admitted to the federal trial bar, the 7th Circuit Court of Appeals, and when Illinois still had the death penalty, was a member of the Capital Litigation Trial Bar.
2. I have been a lawyer since November 2000. As a lawyer I have been an assistant public defender handling all types of criminal and child protection cases and when I was in private practice, I handled civil and criminal cases in federal and state court and was a member of the federal panel.
3. Currently, I am the Chief of the Civil Division of the Law Office of the Cook County Public Defender ("Office"). Additionally, I supervise the Police Station Representation Unit ("PSRU"). The PSRU is a collection of assistant public defenders who represent individuals arrested by the police pursuant to Cook County Circuit Court Chief Judge Timothy Evans General Administrative Order No. 2017-01 ("GAO 2017-01"). GAO 2017-01 appointed the Office when individuals were arrested by the police and requested an attorney.
4. In addition to supervising the PSRU, I have conducted several legal trainings on representing individuals arrested by the police.
5. On Tuesday, May 26th, 2020 at approximately 7:15 pm, I was informed by assistant public defender Stephanie Ciupka ("APD Ciupka"), who is a PSRU attorney, that she was having trouble getting access to her client at the 16th District in Chicago and that the Sergeant was refusing to allow her to speak to her client over the phone.
6. After speaking to APD Ciupka, I recommended she send an email detailing what happened to Dana O'Malley, general counsel for the Chicago Police Department ("CPD"), Joe Ferguson, Inspector General of Chicago, and any other email address she had for the 16th District. After our conversation, APD Ciupka sent an email to Dana O'Malley, Joe Ferguson, 16th District CAPS, Peter Parry, Deputy of Countywide Operations for the Office, and me.

7. In the email, APD Ciupka detailed the difficulties she was having reaching her client. The email was sent at 7:51 pm and Dana O'Malley responded at 8:32 pm indicating she reached out to a legal officer at the 16th District "to correct the situation." Based on emails from APD Ciupka that I reviewed, the client at the 16th District was eventually allowed to sign a declaration of rights provided by APD Ciupka. The signed declaration of rights was returned to APD Ciupka at 10:04 pm.
8. On Sunday, May 31st, 2020 I was made aware of several individuals who were arrested by the CPD related to the various protests that occurred throughout Chicago that weekend. Attorneys in the PSRU informed me that they were having a very difficult time reaching the police stations via telephone as there were numerous busy signals. I was informed of at least one time that weekend where one of our attorneys called the CPD to inquire about an arrestee and the individual that answered the phone from the CPD hung up on one of our attorneys.
9. For the prior few weeks, CPD and the Office reached an agreement because of the COVID-19 pandemic that allowed our attorneys to conduct visits with arrestees via telephone and further allow us to send a declaration of rights to the CPD electronically.
10. Because of the constant busy signals and lack of response from the police department, I decided to travel to the 1st District police station which is located on 1718 South State Street in Chicago.
11. Originally, I went there to locate one client whose family was at the 1st District, but while I was traveling one of the attorneys at the PSRU, informed me of 6 other people who were also at the 1st District that calls were made on their behalf requesting an attorney.
12. I arrived at the 1st District at approximately 7:15 pm on May 31st.
13. When I arrived at the 1st District, I proceeded to the front door to the police station on State Street. The front door was barricaded not allowing any entry by the public. I asked the officers in front of the entrance where I can get in and they directed me around the corner on 17th Street.
14. When I got to the back of the station, the station was surrounded by tape with numerous officers behind the tape. Officers were standing behind the

sidewalk in a small entryway to a garage-type building. The officers were approximately 20 feet in front of a door leading to the station.

15. I spoke to the officer who was standing outside delivering property to various individuals. It was my understanding, on information and belief, these were individuals who were arrested and recently released and were awaiting a return of their property. The police instructed all the recently released arrestees to wait across the street until their name was called. When an individual's name was called, the individual would cross 17th Street and take their personal items.
16. I asked the officer (I did not learn her name and badge number but describe her as a white female with an Eastern European accent, wearing a police uniform and a mask) if the 7 people I was looking for were at the station. At first, she said she recalled some were released and others she was unsure about. I asked her if she could get that information for me and that I wanted to see my clients. She refused and said she had to take care of other things. I told her I am their lawyer, they have the right to see me, and I need to speak to them. She told me no one was being allowed into the station.
17. I waited for a few more minutes and spoke to another police officer (I did not learn his name and badge number but describe him as a white male, wearing a police uniform and a mask). I asked him similar questions and he had no further information. I reiterated again that I was there to see my clients and he said he is not interfering with the right to counsel and I told him if I couldn't see my clients then he was interfering with their right to counsel.
18. After my initial conversations with these officers, I spoke to the family of one of the arrestees I was there to see and made various phone calls to colleagues informing them of the situation and asking them if they had any new information.
19. After approximately 15 minutes I asked again if I could get any information on these clients and if I could speak to a legal officer or someone higher-up at the station. The female police officer refused my request and told me to call the station to inquire about the other arrestees. After explaining to the police officer that that is why I was there—because the phone wasn't being answered—I obliged and called the number she provided (312.745.4290). I immediately received a busy signal

and then called again and put the phone on speaker so she could hear the busy signal. When she heard it, she told me to keep calling. I called the number twice around 7:34 pm and got a busy signal both times and 11 more times at approximately 7:53 pm. All 13 calls resulted in a busy signal.

20. After I called the police station several times, I walked around to 18th Street to see if there was another way, I could enter the building. I spoke to another police officer (I did not learn his name and badge number but describe him as an African-American male wearing a police uniform and a mask) who was standing next to the 1st District parking lot. I asked him if there was any way I can get into the police station because I represented clients in the station who were arrested. He told me he was just guarding the entry to the parking lot and couldn't help me.
21. I then went back to the 17th Street entryway and requested again to see my clients. The female officer I spoke to said she would look into it.
22. While I was there the mother of one of the arrestees demanded that the police locate her son, inform her of his well-being, and indicated that his son and his arrest were "trending" on social media. She was met with no response.
23. At approximately 8:15 pm I spoke to Sergeant "Cerzette" (this is the spelling based on reading his badge and his introduction to me. I am not certain that is the correct spelling. I would describe him as a white male with dark black hair, wearing a white police uniform shirt and not wearing a mask) and informed him about my 7 clients. We spoke about one client whose family was present to see if he was at the police station.
24. Based on what witnesses and his family told me, including that they used the GPS function on their phones to find the arrestee's phone which was located at the 1st District, we were certain he was in the 1st District. The Sergeant informed me they didn't have anyone by that name and believed he may have used a different name when he was arrested.
25. I asked him to have someone go to the lockup or allow me to go to the lockup to see if anyone would respond to the name called out. The Sergeant refused my request and said something to the effect that if the arrestee gave the wrong name, that was the arrestee's fault and not the police's responsibility to locate him even if he was in police custody. I do

not know whether this individual provided a different name, or the police documented his name incorrectly.

26. He then took my ID and went back into the station. At approximately 8:35 pm, Sergeant Cerzette came back out and said he had one individual from my list of 7 and that that arrestee agreed to speak to me. When Sergeant Cerzette came back to see me I noticed he was holding a filled out "ATTORNEY/711 VISITATION NOTIFICATION LIMITED WAIVER" ("waiver"). I recognized the document because I have seen it before. I believe the waiver was filled out and signed by my client who I eventually was able to see.
27. I went into the station and was escorted by Officer Gruszcyk, Star # 16325 to see the one client they claimed to have from the list I provided to them. As I was walking through the police station, I saw several police officers, and none were wearing masks.
28. I spoke to my client at approximately 8:38 pm and provided Officer Gruszcyk with a declaration of rights form for my client.
29. My client was not wearing a mask and based on conversations I had that evening, it was my understanding that none of the individuals that were arrested and detained in the police station were allowed to wear masks or were provided masks.
30. After I was done speaking to my client, I approached Sergeant Cerzette and asked him for confirmation of the 6 other clients. He informed me that 5 of them were either released or not brought to the 1st District.
31. We then discussed the individual who we knew was there but may have been arrested under a different name. He refused again to go back to the lockup and ask if he was there or allow me to go back and see if he was there.
32. I then spoke to Lieutenant Natelson, Star # 719 and asked about the client who we believed was there. Lieutenant Natelson searched his name and date of birth in his computer database and was unable to locate this individual. I asked again if I or someone could go to the lockup and see if he was there and Lieutenant Natelson refused. I showed him a picture of the arrestee on my phone so he check in the lockup to see if the arrestee was there but he refused to check the lockup for my client.

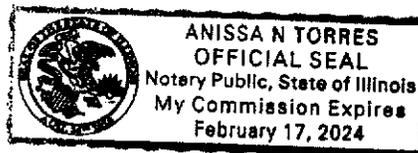
- 33. I then left the building and spoke to the arrestee's parents and informed them I was unable to locate their son.
- 34. I left the 1st District around 9:15 pm.
- 35. The next morning on June 1, 2020, I was informed by the arrestee's family and social media that he was released from the 1st District very early in the morning on June 1st.

Under penalties provided by law, pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth above are true and correct, except as to matters stated above on information and belief and as to such matters the undersigned certifies as aforesaid that he believes the same to be true.

June 17, 2020

/s/ Aaron Goldstein

Aaron Goldstein



Anissa N. Torres
June 17th, 2020

EXHIBIT R

AFFIDAVIT OF STEPHANIE A. CIUPKA

I, Stephanie A. Ciupka, state the following based on personal information:

1. I am a licensed attorney in Illinois and work with the Police Station Representation Unit with the Cook County Public Defender's Office.
2. Due to the COVID-19 pandemic, the Cook County Public Defender's Office came to an agreement with the Chicago Police Department that allows Public Defenders from the Police Station Representation Unit to represent clients in police custody entirely over the phone. This agreement has been in place since May 15, 2020.
3. On May 30, 2020, I answered calls to the Station Visit Hotline from 3:00pm - 11:00pm. I also learned about additional arrests from attorneys with the National Lawyers Guild, who were taking calls on their own hotline. By the end of my shift, I had accumulated a list of 80 clients that I was attempting to locate. On information and belief, all or nearly all 80 clients had been arrested at actions protesting police brutality or the death of George Floyd. All of the calls were from friends and family who had witnessed or heard about an arrest.
4. On May 30, 2020, I made the following attempts to locate and represent clients by Calling Central Booking, most of which were not successful:
 - a. At 4:20pm, I called Central Booking to attempt to locate 4 clients (hereinafter Clients 1-4). Central Booking could not locate any of them.
 - b. At 6:03pm, I asked again about Clients 1-4, plus 5 additional clients (hereinafter Clients 5-9). Central Booking could not locate any of them.
 - c. At 7:14pm, I asked the officer who answered to check for 16 new clients (hereinafter Clients 10-25). I learned that Client 13 was being detained at the 18th District. Central Booking could not locate the rest.
 - d. At 8:00pm, I inquired about Clients 1-9 and six new clients (Clients 27-32). Client 2 was reportedly in custody at the 2nd District. Central Booking could not locate the rest. The officer told me that because they were busy, it could be up to 6-8 hours after the arrest before an arrestee's location would appear in their system.
 - e. At 9:37pm, I called Central Booking again. The first officer I spoke to searched for a couple of clients before telling me he did not have time to look up more. He transferred me to someone else, who attempted to look up additional names for me. Together, they searched for Clients 1-5. Client 2 was now reportedly at the 1st District. Client 5 was reportedly at the 2nd District. Central Booking could not locate the rest.
 - f. When the officer attempted to search for Client 6, he told me that his computer system had crashed and he could not look up any additional names for me.
 - g. For the rest of the night, I repeatedly attempted to call Central Booking to learn which where my clients were being held, but each time I only heard a busy signal.
 - h. As a result, Central Booking failed to provide me with information regarding 78 clients.

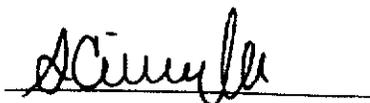
5. On May 30, 2020, I also made numerous calls to individual police stations in an attempt to locate clients. For example:
 - a. I often heard busy signals when attempting to call individual stations, particularly at the 2nd District.
 - b. At 4:50, a friend of Client 10 called the hotline and told me he thought that Client 10 might be with a group of people taken to the 4th District. I called the 4th District at 6:23pm and they denied he was there.
 - c. The 4th District officer also told me that they could run a search citywide, and that Client 10 was nowhere in the system.
 - d. After Client 24 could not be located by Central Booking, I asked the 18th District if he was in custody there, based on the location of the arrest. I was told that he was not. At 10:28 pm., a family member called the hotline again and said that they had traced Client 24's cell phone to the 11th District. The family member was very concerned because Client 24 has asthma and was having trouble breathing shortly before his arrest. However, when I called the 11th District, the officer denied that he was there. I was never able to locate him.
 - e. Client 42 called a friend of hers from the lockup at Belmont and Western/the 19th District. That friend then called the hotline to request legal representation for Client 42. But when I called Belmont and Western to arrange a phone visit, I was told that Client 42 was not there. Furthermore, the officer denied that anyone had recently placed a phone call from lockup, because no one in custody was allowed to make phone calls at that time, and none of them would be released that night.
6. On May 31, 2020, I answered calls to the Station Visit Hotline from 3:00 - 11:00pm. While the volume of calls was not as high as the previous night, Chicago Police continued to be unable to locate clients in their custody. For example:
 - a. At least three clients were suspected of being in custody at the 1st District, one of which was reportedly badly beaten and unconscious when taken away by the police. I repeatedly called the 1st District in an attempt to confirm the clients' whereabouts and arrange a phone visit; however, I was never able to get through. After the family of the reportedly unconscious individual traced his iPhone to the 1st District, another attorney from my office went in person to the 1st District, but police continued to deny that the reportedly unconscious client was there.
 - b. Throughout the evening, my colleague and I also received calls from friends and family about 5 separate clients who the callers suspected were in custody at the 2nd District. My colleague and I repeatedly attempted to call the 2nd District to confirm that they were there and to arrange phone visits, but were never able to get through. Near the end of my shift at 11pm, I contacted a volunteer attorney who initially was willing to go to the station in person. However, my colleague on the next shift told me the next day that she did not end up going due to reports that going to the 2nd District at that time was unsafe and perhaps impossible due to the National Guard was surrounding the station.
7. On May 30 and May 31, 2020, due to the inability of the Chicago Police Department Central Booking and individual Districts to track and provide the locations of my clients,

going to the 2nd District at that time was unsafe and perhaps impossible due to the National Guard was surrounding the station.

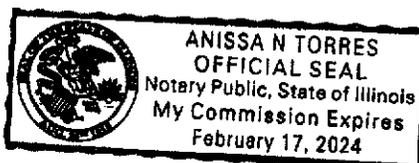
7. On May 30 and May 31, 2020, due to the inability of the Chicago Police Department Central Booking and individual Districts to track and provide the locations of my clients, I was unable to successfully complete a station visit over the phone for any client in Chicago Police custody.
8. On June 1, 2020, I again answered calls to the Station Visit Hotline from 3:00 - 11:00pm.
9. At 6:48 on June 1, I received a call from the friend of someone who had been arrested near Madison and Pulaski at an action the previous night (May 31, 2020). The caller believed his friend was at the 11th District because other friends who were arrested with him were already released, and had seen him in the lockup there.
10. At 7:47pm I called the 11th District and spoke to a desk officer, who did confirm that my client was there. She thought he might be upstairs with detectives, and told me something like, "they might still be messing with him," which I took to mean that detectives might be actively interrogating my client without legal representation. I told her that any further delay was very concerning, particularly given that he had been in custody for about 24 hours already. She took my name and number and said she would have someone call me back to arrange a phone visit.
11. At 8:56pm, I still had not heard back so I called again and spoke to the same officer. She said she had not been able to find a specific detective assigned to him. She put me on hold to go upstairs to look. She came back and said all the detectives were sitting "ready to go" in their riot gear and could not come to the phone. I asked to speak to the Desk Sergeant instead. She told me that the Desk Sergeant was in the lockup at the moment and could not come to the phone. She again offered to take a message. I agreed but also asked for the Desk Sergeant's email address, or full name so I could determine his email address. At 9:33pm I emailed my credentials, per the agreed up Phone Visit policy, to what I believed to be the Desk Sergeant's email address. I did not receive a response before the end of my shift, via telephone or email.

I declare under the penalty of perjury that the foregoing is true and correct. If called to testify about the contents of this affidavit, I would be competent to do so

Dated: June 16, 2020



Stephanie A. Ciupka



Anissa N. Torres
June 16th, 2020

EXHIBIT S

AFFIDAVIT OF SAMUEL DIXON

I, Samuel Dixon, state the following based on personal information:

1. I am a licensed attorney in Illinois and work with the Police Station Representation Unit with the Cook County Public Defender's Office.
2. On May 30, 2020, at 12:06 p.m., I found out through CLIENT #1's relative that CLIENT #1 was arrested by the Chicago Police Department while protesting.
3. On May 30, 2020, I called 18th District Police Station to determine the location of CLIENT #1. I was told by a desk officer that Client was "refusing to sign something." I was also told I could not speak with CLIENT or a sergeant because of "exigent circumstances."
4. I emailed Chicago Police Department General Counsel Dana O'Malley and 18th District Commander Jill Stevens at 12:23 p.m. on May 30, 2020. At 1:03 p.m., General Counsel O'Malley replied to my email stating the watch lieutenant would call me shortly, and the "18th District is working to process and bond arrestees as quickly as possible. Given the number of arrests the Department is working as quickly as possible to get this completed."
5. The watch lieutenant called me around 1:48 p.m. on May 30, 2020 and told me that CLIENT #1 would receive an I bond and be released.
6. CLIENT #1 was in custody for over one and a half hours without being allowed to talk to a PSRU attorney.
7. I am not aware whether a statement was taken or whether CPD attempted to obtain a statement.
8. If allowed to talk to CLIENT #1 over the phone, I would have explained CLIENT's *Miranda* rights, instructed him not to waive his *Miranda* rights, and would have arranged for CLIENT to sign a Notice of Representation and Declaration of Rights.
9. CLIENT was released from the 18th District on bond.
10. On June 1, 2020, at 2:29 p.m., I found out through CLIENT #2's friend that CLIENT #2 was arrested by Chicago Police Department while protesting.

11. On June 1, 2020, I called the 17th District Police Station to determine the location of CLIENT #2. I spoke with Sgt. Thomas Haughey to arrange a phone call with CLIENT #2.
12. I spoke with CLIENT #2 around 2:45 p.m. CLIENT #2 stated that he was originally detained at the 16th District Police Station. CLIENT #2 stated that while at the 16th District a detective, whose name CLIENT #2 couldn't remember, asked CLIENT #2 to give a statement and sign a Miranda waiver. CLIENT #2 told the detective that he wants a lawyer. The detective replied "you'll have to wait." The detective did not call the PSRU hotline.
13. CLIENT #2 was in custody for over four and a half hours after invoking his right to an attorney before being allowed to talk to a PSRU attorney.
14. On June 2, 2020, CLIENT #2 was transferred to Cook County Jail and then released on an I bond. Client is charged with Felony 2 Burglary.
15. On May 31, 2020, shortly after 7 a.m., I found out through CLIENT #3's friend that CLIENT #3 was arrested by the Chicago Police Department while protesting.
16. On May 31, 2020, I called Central Booking to determine the location of CLIENT #3. Central Booking relayed that CLIENT #3 was at the 1st District Police Station. I called the 1st District Police Station and I was told that Sgt. Maria Medina was on duty, but no one knew her email. For two hours, I called the 1st District, asking to speak with Sgt. Medina about five times. The desk officers would then transfer me to a phone line that no one would answer and I was not able to leave a voicemail.
17. On May 31, 2020, at about 10:45 a.m., I called the 1st District Police Station again to speak with CLIENT #3, and identified myself as a member of PSRU. The desk officer told me that if I was an actual public defender I would be "calling from Packs." When I asked what "packs" is, the desk officer told me "if you were a real public defender, then you would know." After demanding to speak with the sergeant, I was again transferred to the Sgt., but no one picked up.
18. On May 31, 2020, at 11:12 a.m., I emailed Commander Michael Pigott to explain that I was unable to reach the sergeant on duty and I asked for a phone call with CLIENT #3. I also attached my attorney identification and an

- unsigned Notice of Representation and Declaration of Rights asserting Client's Miranda rights. I never received a reply to this email.
19. On May 31, 2020, at 11:44 a.m., I called the 1st District Police Station again to speak with CLIENT #3, and a desk officer told me they are "not letting anyone speak to people."
 20. I was never able to speak with CLIENT #3.
 21. CLIENT #3 was in custody from 1 a.m. on May 31, 2020, until the evening of May 31, 2020 without being allowed to talk to a PSRU attorney.
 22. If allowed to talk to CLIENT #3 over phone, I would have explained CLIENT #3's Miranda rights, instructed him not to waive his Miranda rights, and would have arranged for CLIENT #3 to sign a Notice of Representation and Declaration of Rights.
 23. My colleague was told that CLIENT #3 was processed out of the 1st District Police Station on an I bond during the evening of May 31, 2020.
 24. On May 31, 2020, at 8:54 a.m., I found out through CLIENT #4's friend that CLIENT #4 arrested by the Chicago Police Department while protesting.
 25. On May 31, 2020, I called Central Booking to determine the location of CLIENT #4. Central Booking relayed that CLIENT #4 was at the 1st District Police Station. I called the 1st District Police Station and I was told that Sgt. Maria Medina was on duty, but no one knew her email. For two hours, I called the 1st District, asking to speak with Sgt. Medina about five times. The desk officers would then transfer me to a phone line that no one would answer and I was not able to leave a voicemail.
 26. On May 31, 2020, at about 10:45 a.m., I called the 1st District Police Station again to speak with CLIENT #4 and identified myself as a member of PSRU. The desk officer told me that if I was an actual public defender I would be "calling from Packs." When I asked what "packs" is, the desk officer told me "if you were a real public defender, then you would know." After demanding to speak with the sergeant, I was again transferred to the Sgt., but no one picked up.

27. On May 31, 2020, at 11:44 a.m., I called the 1st District Police Station again to speak with CLIENT #4, and a desk officer told me they are "not letting anyone speak to people."
28. On May 31, 2020, at 3:04 p.m., I emailed Chicago Police Department General Counsel Dana O'Malley alerting her that I could not speak with CLIENT #4. I never received a reply to this email.
29. I was never able to speak with CLIENT #4.
30. CLIENT #4 was in custody from 6 p.m. on May 30, 2020, to the evening of May 31, 2020 without being allowed to talk to a PSRU attorney.
31. If allowed to talk to CLIENT #4 over phone, I would have explained CLIENT #4's Miranda rights, instructed him not to waive his Miranda rights, and would have arranged for CLIENT #4 to sign a Notice of Representation and Declaration of Rights.
32. My colleague was told that CLIENT #4 was processed out of the 1st District Police Station on an I bond during the evening of May 31, 2020.
33. On May 31, 2020, at 10:20 a.m., I found out through CLIENT #5's friend that CLIENT #5 was arrested by the Chicago Police Department while protesting.
34. On May 31, 2020, I called Central Booking to determine the location of CLIENT #5. Central Booking relayed that CLIENT #5 was at the 1st District Police Station. I called the 1st District Police Station and I was told that Sgt. Maria Medina was on duty, but no one knew her email. For two hours, I called the 1st District, asking to speak with Sgt. Medina about five times. The desk officers would then transfer me to a phone line that no one would answer and I was not able to leave a voicemail.
35. On May 31, 2020, at about 10:45 a.m., I called the 1st District Police Station again to speak with CLIENT #5, and identified myself as a member of PSRU. The desk officer told me that if I was an actual public defender I would be "calling from Packs." When I asked what "packs" is, the desk officer told me "if you were a real public defender, then you would know." After demanding to speak with the sergeant, I was again transferred to the Sgt., but no one picked up.

36. On May 31, 2020, at 10:50 a.m., I emailed Commander Michael Pigott and attempted to email Sgt. Medina at various possible email addresses. In the emails, I explained that I was unable to reach the sergeant on duty and I asked for a phone call with CLIENT #5. I also attached my attorney identification and an unsigned Notice of Representation and Declaration of Rights asserting Client's Miranda rights. I never received a reply to these email.

37. On May 31, 2020, at 11:44 a.m., I called the 1st District Police Station again to speak with CLIENT #5, and a desk officer told me they are "not letting anyone speak to people."

38. On May 31, 2020, at 3:04 p.m., I emailed Chicago Police Department General Counsel Dana O'Malley alerting her that I could not speak with CLIENT #5. I never received a reply to this email.

39. I was never able to speak with CLIENT #5.

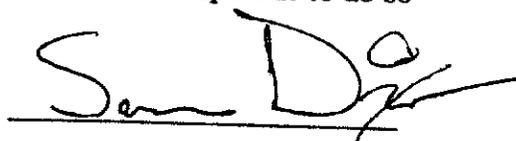
40. CLIENT #5 was in custody from 7 p.m. on May 30, 2020, until the evening of May 31, 2020 without being allowed to talk to a PSRU attorney.

41. If allowed to talk to CLIENT #5 over phone, I would have explained CLIENT #5's Miranda rights, instructed him not to waive his Miranda rights, and would have arranged for CLIENT #5 to sign a Notice of Representation and Declaration of Rights.

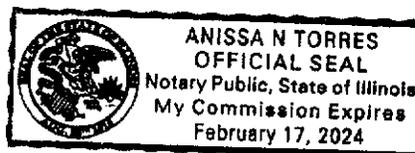
42. My colleague was told that CLIENT #5 was processed out of the 1st District Police Station on an I bond during the evening of May 31, 2020.

I declare under the penalty of perjury that the foregoing is true and correct. If called to testify about the contents of this affidavit, I would be competent to do so

Dated: June 17, 2020



NAME: Samuel Dixon



Anissa N. Torres
June 17th, 2020

EXHIBIT T

AFFIDAVIT OF APD HAROLD HALL

I, Harold Hall, state the following based on personal information:

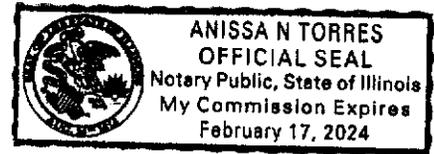
1. I am a licensed attorney in Illinois and work with the Police Station Representation Unit ("PSRU") with the Cook County Public Defender's Office.
2. On 5/28/20, I found out via the police unit hotline, that an African American female, approx. 22 years old ("client"), was arrested by 7th district Chicago Police while in a vehicle.
3. On 5/28/20, I called Central Booking. Central booking directed me to the seventh district. A lieutenant told me that there was no safe way for the client to have contact with their attorney via phone. The 2nd District Police Station, two hours later allowed the phone visit.
4. Before my shift at 3:00 pm, my coworker, Assistant Public Defender Catherine Stockslager, had made previous attempts to call regarding my client.
5. In total, the client was in custody and not allowed to talk to a PSRU attorney for three hours.
6. It is my understanding that the client was charged with Unlawful Use of Weapon.

I declare under the penalty of perjury that the foregoing is true and correct. If called to testify about the contents of this affidavit, I would be competent to do so.

Dated: June 16, 2020

_____Harold O. Hall_____

Harold Hall



Anissa N. Torres
June 16th, 2020

EXHIBIT U

DECLARATION OF RENEE HATCHER

I, Renee Hatcher declare as follows:

1. I am a licensed attorney in Illinois that practices primarily in Chicago, and a professor at UIC John Marshall Law School. I am also a member of Resist Reimagine Rebuild (R3), a black-led coalition of grassroots organizations in Chicago. Over the past week, I have provided some legal counsel to protestors to R3 members that have been arrested.
2. On Sunday, May 31, 2020, at about 8:30 p.m., I started receiving texts and calls that Malcolm London, Damon Williams, and Jennifer Pagan (members of R3 affiliated organizations) had been beaten and were being detained at the police station on 51st and Wentworth Ave.
3. Upon arrival at the station, five officers were standing in front of the police station blocking the entrance. As I walked up, I presented my credentials (ARDC card) to the officers and asked about the three individuals. One officer, I believe to be Officer Pagano, told me that he would not confirm if the individuals were at the police station and I would not be admitted to inquire inside the police station. When I asked the officer again, he said that the individuals, “are not on the processed list” of detainees, “so they’re not here.”
4. I then spoke to Brendan Schiller, an attorney working with NLG Mass Defense Committee, outside of the station who had been attempting to see Malcolm, Damon, and Jennifer some time before I arrived. Schiller made several calls to local alderman in an attempt to verify that the individuals’ presence at the station.
5. At about 10:15pm, Commander Wallace came outside and talked to me and attorney Brendan Schiller, and finally confirmed our three clients were present at the police station and said that we would be allowed to see them as soon as it could be arranged.
6. Schiller and I continued to stand at the barricade talking to officers, who continued be obstructive.
7. Eventually, Alderman Rossana Rodriguez-Fernandez (33) arrived on scene and began talking to Sgt. Blum. Blum continued to deny our access to the station and continued to deny that our clients were present—despite what

the Commander had said. At about 10:45pm, with both the Alderman and the lawyers pleading for Blum to stop playing games, Blum walked into the police station and talked to Sergeant Sampson. A few minutes later were allowed into the station.

8. Once inside the station, Sgt. Sampson falsely told us that Malcolm London was being held at the police station at 17th and State St. She also falsely told us that it was the law that an arrestee could not be seen until they were processed. I relayed to Sgt. Sampson that we (Atty. Schiller and I) received reports that our clients had been physically hurt by the police during the arresting incident and wanted to see them immediately to ensure their safety and wellbeing. After about an hour of stalling, Sgt. Sampson then told us that Malcolm London was actually at the 51st and Wentworth police station.
9. During my entire time inside and outside of the police station, not one police officer was wearing a mask or properly practicing social distancing. This extended to their interactions with us, with arrestees, and with each other.
10. Eventually a second alderman—Alderman Byron Sigcho (25)—arrived, and was also located in the station. Alderman Rodriguez-Fernandez called Alderman Jeanette Taylor (20) and asked her to call the Commander.
11. At about 11:30pm, Commander Wallace walked back into the police station. We alerted to him to the fact that we still were not able to see our clients. Commander Wallace then went to make inquiries to ensure that we'd be able to see our clients.
12. At that moment, we learned for the first time that Malcolm London was actually located at St. Bernard hospital. The Commander told us this. One of the lawyers present (Atty. Buckley) went to St. Bernard.
13. About 30 minutes later, Sgt. Sampson told me that I'd be able to meet Jennifer Pagan. However, "protocol had changed, and that arrestees were only being allowed to be talked to over the phone due to Covid-19," and that "you all had agreed to that." Atty Schiller and I told Sgt. Sampson that was not true, and that I'd like to see Jennifer in person. About ten minutes later Sgt. Sampson walked me back to see Jennifer Pagan. Jennifer reported to me that she had not received any water, she only had one shoe, as the other was

lost during the police arrest, and that Damon and Malcolm had been injured by the police during the incident.

14. When I attempted to find out what they were being charged with I was told that it is the law that officers cannot tell anyone but the arrestee what they are being charged with. When I asked about Jennifer and Damon's release, I was told that they may or may not be released at 3am that morning.

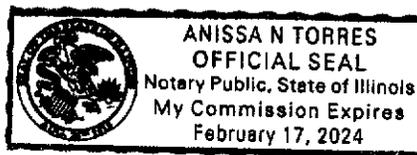
15. I then left the police station to get Jennifer Pagan a spare pair of shoes. Upon returning not long after, I was prevented from entering the police station. I repeatedly told officers that I was the attorney for someone being held in the police station. They continued to deny me access.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 16, 2020

Renee Hatcher

Renee Hatcher



Anissa N. Torres
June 16th, 2020

EXHIBIT V

DECLARATION OF BRENDAN SHILLER

I, Brendan Shiller declare as follows:

1. I am a licensed attorney in Illinois that practices primarily in Chicago. Over the past week I have work with the National Lawyers' Guild's Mass Defense Committee providing some legal counsel to protestors that have been arrested.
2. On Sunday, May 31, 2020, at about 8 p.m. I started receiving texts and calls that Malcolm London, Damon Williams, and Jennifer Pagan had been beaten and detained in Hyde Park. At the time I was less than five minutes from the 2nd district police station at 51st and Wentworth where, based on communications with Kristiana Colon, I understood all three to be located.
3. Upon arrival at the station, I saw approximately 15 people standing on 51st street, and five officers standing in front of the police station and three civilians including Colon talking to the five officers blocking access. As I walked up to present my credentials to the officers and ask about the those three individuals, officer Radagno turned from the two civilians he was talking to me, gestured at Kristiana and then said to me in an angry voice "I already told her that those three people aren't here, do you think I am going to tell you something different just because you are a lawyer?" He then looked at the other officers standing in front of the building and said, "No one gets in."
4. For the next several minutes I tried to talk to every officer standing out in front of the building and was told by all of them that these three people were not present. At that point, I made phone calls to two different alderman to request that they call police brass to help locate my clients. I the same time I was calling aldermen, Ghian Foreman called me to tell me about the incident that he witnessed and how Damon and Malcolm and Jennifer were beaten. I then asked Ghian to help me locate my clients. Both Alderman and Ghian apparently made calls and then called me back and said that they were all located at 51st and Wentworth.
5. I then approached the officers and talked first to an Officer Desai and then Sergeant Blum. They both initially denied that they arestees were located there. They did so in a semantic way designed to avoid sounding intentionally deceptive. They said "They're not in the cue. We cannot know if they are here if they are not in the cue". They consistently pretended like they did not hear my request to simply go into the lockup to determine if they were present.

Sergeant Blum consistent said, "why would we lie to you?" in response to no accusations that they were lying.

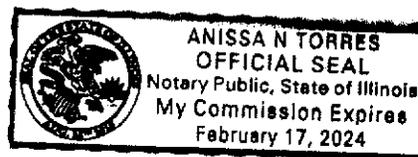
6. At about 10:15, Commander Wallace came outside (presumably in response to the calls from the Aldermen and city officials) and talked to me and attorney Rene Hatcher (who had arrived around 9:30), and finally confirmed our three clients (it turns out he was mistaken about one of them) were present at the police station and said that we would be allowed to see them as soon as it could be arranged.
7. Hatcher and I continued to stand at the barricade talking to Officer Desai and Sgt. Blum who continued to play dumb and not be obstructive.
8. Eventually, Alderman Rossana Rodriguez-Fernandez (33) arrived on scene and began talking to Sgt. Blum. Blum continued to deny our access to the station and continued to deny that our clients were present—despite what the Commander had said. At about 10:45, with both the Alderman and the lawyers pleading for Blum to stop playing games, Blum walked into the police station and talked to Sergeant Sampson. A few minutes later were allowed into the station.
9. Once in the station, Sgt. Sampson told us a series of lies, and consistently filibustered and talked and refused to allow us to ask her questions. Among the lies she told were: 1) that it was law that an arrestee could not be seen until they were processed; 2) that the protocol had changed and that arrestee were only being allowed to be talked to over the phone, and that "you all had agreed to that"; and that 3) Malcolm London was actually at 17th and State street.
10. Sgt. Sampson came to pretend to talk to us several times over the next 90 minutes in manners that were not designed to have an actual conversation but appeared design to waste time. She repeated meaningless general orders and refused to allow us to ask any questions.
11. Eventually a second alderman—Alderman Byron Sigcho (25)—arrived, and was also located in the station. Alderman Rodriguez-Fernandez called Alderman Jeanette Taylor (20) and asked her to call the Commander. The first two aldermen that had called the commander were Ald. Leslie Hairston (5) and Ald. Rod Sawyer (6). Commander Wallace, who was out on the street at this time, told Taylor that the attorneys had already talked to their clients.

12. Sgt. Sampson continued to come to the now three lawyers and two alderman and delay with meaningless filibuster talk. At about 11:30 Commander Wallace walked back into the police station. It was around this same time that the police station got really tense and about two dozen officers in riot gear ran out in front of the station. This coincided with about 100 protestors showing up to demand the release of my three clients.
13. At that moment, we learned for the first time that Malcolm London was actually located at St. Bernard hospital. The Commander told us this. One of the lawyers present (Javaron Buckley) went to St. Bernard.
14. About 30 minutes later, after some more paper shuffling, Sgt. Sampson walked Rene Hatcher back to see Jennifer Pagan. At about 12 midnight I was allowed to see Damon Williams. Damon reported to me that the water did not work, that he had not been given any water or food, nor was given a mask. We reported that he had received injuries while arrested but was not given any first aid.
15. When I attempted to find out what they were being charged with I was told that it is the law that officers cannot tell anyone but the arrestee what they are being charged with. I cannot remember the officers who told me that. But this lie was repeated to me the following day at the same police station in regards to Malcolm London by Office Joyner, Officer Lay and Lt. Hill.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2020

/s/Brendan Shiller



Anissa N. Torres

EXHIBIT W

DECLARATION OF ALDERMAN ROSSANA RODRIGUEZ-SANCHEZ

I, Rossana Rodriguez-Sanchez declare as follows:

1. I am the elected Alderman for the 33rd Ward in the City of Chicago.
2. On Sunday, May 31, 2020, in the early evening, I received a call that informed me that people I know and am familiar with were beaten up and arrested during a peaceful protest in Hyde Park. After checking on one of the people (Jasson Perez) who was in the hospital, I drove to the police station at 51st and Wentworth where I understand three other people that I am also familiar with—Jennifer Pagan, Damon Williams and Malcolm London—were located.
3. Upon arrival at the station, I saw approximately 15 people standing on 51st street, and five officers standing in front of the police station and three civilians talking to the five officers blocking access. When I tried to enter the police station I was blocked. I then began talking to a Sergeant named Blum who would not provide me any specific information regarding the three individuals I was trying to find. I said I was an Alderman and he asked me to provide proof. At that point I went back to my car to grab my Identification, which includes a badge that Aldermen receive. I showed it to him.
4. For the next several minutes I tried to talk to the officers standing out in front of the building to try to get inside the station to find the whereabouts of these three people so that I could see if they were injured, as I had been told. None of them provided me any helpful information. Out of frustration, I showed them my badge and said I was an alderman. For the next several minutes, two other people, attorneys Rene Hatcher and Brendan Shiller, and I all pressed Sergeant Blum for access to the three people. Eventually, after probably 30 minutes to 45 minutes of pushing, Sgt. Blum allowed us inside, and implied that we would be able to see our client.
5. For the next two hours, however, we were obstructed and lied to by a Sergeant Sampson. We were told various contradicting information about the location of Malcolm London. Sergeant Sampson did finally confirm that both Jennifer Pagan and Damon Williams were present, but initially said that we would not be able to see them and that we had to call to see them. I explained that we believed that they were injured and we needed to see them. Sgt. Sampson gave us inconsistent information as to when and whether we'd be able to see them. Sgt. Sampson then seemed to disappear for about 45 minutes.

6. At that point, I made a phone calls to Alderman Jeanette Taylor, because I believed her Ward contained part of the 2nd police district where we were located. After a few minutes, Alderman Taylor called me back and said she talked to Commander Wallace and that he told her the attorneys had already seen the three people we were looking for, which was not true, since I was with both of the lawyers.
7. Among the various excuses we were given by Sampson were: 1) the new policy was that there would be no in person visits (because of Covid); 2) that it was the rule that attorney visits are not allowed until after someone was processed; and 3) that the station and lockup was too crowded to allow for safe visits.
8. A few minutes after that call, my colleague Byron Sigcho also arrived at the police station, with a third lawyer. All five of us continued to push to see Pagan, Williams and London. At this point I had been present for maybe two hours and still had not been able to see anyone, and was not under the impression that Malcolm London was actually located at the first district police station, because that is what Sgt. Sampson told us.
9. As we continued to try to see these three people, a fourth lawyer named Javaron Buckley arrived, he said he was there also to see Malcolm London. A few minutes after Buckley arrived, like around 11:15, Commander Wallace came into the police station. Also around this time, a bunch of police officers in riot gear piled out of the station and into the front of the station, as apparently about 50 more activists arrived outside the station.
10. It was also at this time that I noticed none of the dozens of officers in the station were practicing social distancing or wearing masks.
11. When Commander Wallace came back into the station, the lawyers and me and my colleague talked to him, and pushed him on getting access to the three people. After a few minutes, we all learned for the first time that Malcolm London was actually located at St. Bernard Hospital. At that point, Attorney Buckley left to go see him.
12. It took another hour or so of what appeared to be paper shuffling and stalling, before Sgt. Sampson allowed attorney Rene Hatcher to see Jennifer Pagan, and another hour after that before attorney Brendan Shiller was allowed to see Damon Williams.

13. I do not believe that if I and the other Aldermen had not intervened that we would have even been told where everyone was.

14. Both Hatcher and Shiller said their clients had not been fed and had not had access to water. Both reported that their clients had been roughed up and had aches and pains.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 5, 2020

/s/Ald. Rossana Rodriguez-Sanchez



EXHIBIT X



REFERENCE # 256361
PUBLIC DEFENDER
REPRESENTATION VIA
TELEPHONE DUE TO COVID-19

15-MAY-2020 23:28

GENERAL MESSAGE

Distribution Method:

- Archive
- CPD Intranet Home Page
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From: MANNION, SHEAMUS
CAPTAIN OF POLICE
140 - OFFICE OF OPERATIONS - FIRST DEPUTY
SUPERINTENDENT (OFDS)

Telephone No.:312-745-6200

On Behalf Of: ANTHONY J. RICCIO
FIRST DEPUTY SUPERINTENDENT
OFFICE OF OPERATIONS-FIRST DEPUTY SUPERINTENDENT
312-745-6200

Message: In light of health concerns posed by COVID-19, the Public Defender may represent individuals via telephone. The attached protocol outlines the procedure by which this should occur. In addition, an amended ATTORNEY/711 VISITATION NOTIFICATION LIMITED WAIVER Form, Number 11.573-A should be completed. Questions should be referred to Legal Affairs (312) 745-6115

Attachments: [Agreement for Telephone Representation by the Public Defender's Police Station Representation Unit.pdf](#)

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FILED DATE: 6/23/2020 6:40 AM 2020CH04654