

Roderick and Solange MacArthur Justice Center

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Civil rights class action suit documents culture of brutality and violence at Cook County Jail

Overcrowded conditions contribute to out-of-control officers and barbaric conditions

CHICAGO – As a result of a sadistic culture of brutality and violence, 2,000 men in Cook County Jail’s highest security units live under a constant risk of life threatening violence, and Cook County elected leaders and jail administrators have failed to take reasonable measures to protect the men awaiting trial, according to a civil rights class action lawsuit filed Thursday in U.S. District Court.

Sheriff Tom Dart, Cook County Board President Toni Preckwinkle and top jail administrators were named as defendants in the lawsuit filed on behalf of people housed at the jail by attorneys from the Roderick and Solange MacArthur Justice Center and the Uptown People’s Law Center.

“The sadistic violence and brutality at the Cook County Jail is not the work of a few rogue officers,” the lawsuit states. “It is a systemic problem that has remained unchecked at the highest levels of Cook County government. The Defendants have had actual knowledge of this pattern of violence for years – if not decades. Yet they have still failed to protect people confined in the jail with safe from brutally abusive correctional officers and violence on the living units.”

“The Cook County Jail is lawless, corrupt and the people confined there endure barbaric violence on a near daily basis,” said Sheila A. Bedi, Clinical Associate Professor of Law and attorney for the MacArthur Justice Center. Because County officials have resisted efforts to address the over-crowding crisis at the jail, people—mostly poor and African American-- are funneled into the jail at astounding rates ” “The human rights abuses documented in this lawsuit require that County officials take immediate action to downsize the jail population and adopt a zero tolerance approach to officer abuse and corruption.

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“Officers attack men housed at the jail when they are handcuffed and shackled and pose no threat to security—and they often beat people who live with mental illness for manifestations of that illness,” Bedi said. “The lack of mental health treatment in the jail has been well-documented, and Cook County Jail employees punish people who request mental health treatment by beating, choking, slamming them into the ground and stomping on them.”

“To cover up these attacks by officers, the victims of these brutal assaults are often placed in segregation as retaliatory punishment,” said David M. Shapiro, Clinical Assistant Professor of Law and attorney for the MacArthur Justice Center. “Segregation is the polite term jailers use when they lock you in a cramped, filthy cell for nearly every minute of the day. The one hour a day you might be allowed out of segregation is spent with your hands cuffed together, your legs shackled and your handcuffs chained to your leg shackles, preventing any physical activity beyond a hunched-over shuffle.”

Shapiro said some people are held in segregation for weeks and months at a time for alleged minor disciplinary offenses and explained the mental anguish torments those entering without a history mental illness and can cripple those already suffering from a mental illness. “Men tortured in segregation hear those in neighboring cells screaming into the night as they descend into psychosis,” Shapiro said.

The class action complaint alleges violations of the individuals’ right to due process of law and to be free from excessive force, threats of excessive force and sadistic treatment. The suit alleges that these cruel and unusual punishments are not isolated incidents; rather, they are the result of a culture that Preckwinkle, Dart and the jail’s administrators have done little to change.

“Cook County Jail is the largest single site jail in the nation,” said Alan Mills, Legal Director of the Uptown People’s Law Center. “It is horribly overcrowded, understaffed, and underfunded for the number of people we send to jail. Many of these abuses have been documented in scores of lawsuits brought by individuals injured in jail beatings, and in a 2008 federal investigation documenting how overcrowded conditions contributed to violence in the jail.

“A U.S. Department of Justice case resulted in a consent decree with Cook County promising to provide reasonably safe living conditions and protection from excessive force and abuse,” Mills said. “An independent monitor reports twice a year about conditions at the jail. However, despite reports which document abuse year after year, little has changed.”

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The lawsuit is accompanied by sworn declarations from nearly 100 people confined at the jail. In addition to the declarations, the complaint is based on an analysis of the jail's own written policies and incident reports from March-May 2013 conducted by a nationally recognized expert in corrections. Attorneys also reviewed hundreds of individual civil rights cases filed by people housed in the jail during the past three years. Cook County paid over \$9 million to settle claims of civil rights violations in the jail.

The chilling accounts of brutalization in the jail detail dozens of examples of excessive force by jail officers, as well as instances of officers commanding men to attack other people housed in the jail.

The allegations in the lawsuit include the following:

- Jail officers often slam people to the floor, stomp, kick and punch them.
- Officers regularly assault people who request mental health care or attempt to complain to higher-ups about living conditions.
- Officers rarely make rounds or provide any interventions to ensure people are protected from violence on the living tiers, and officers order men to attack and beat each other.
- A lack of professionalism and “a violent, sadistic, cruel and sometimes racist and homophobic bravado pervades the ranks” of the officers, lieutenants and sergeants charged with operating the jail.
- People are often subjected to physical violence while handcuffed. “Officers will slap, kick and punch detainees who are cuffed and shackled. Then Officers will frequently drag these man by their chains, banging their heads on steel doors or allow their heads to slam into the concrete.”
- Officers often target people living with mental illness with violent attacks—often for behaviors that are manifestations of mental illness or in response to a request for a mental health evaluation. Suicidal people who request a mental health evaluation are also beaten and forced back into their cells.
- People confined in the jail are threatened with taking “an elevator ride” – code for a beating in an elevator away from witnesses and cameras.

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- Before an officer begins to videotape the use of force in the jail, the officer yells “camera coming, camera coming” as a warning to co-workers. And when officers are on video during a beating, they frequently scream “stop resisting, stop resisting” to fabricate a justification for the attacks.

In addition to seeking the creation of a class of individuals who now are or in the future will be housed in maximum and super maximum security at the Cook County Jail, the lawsuit seeks a court order to end the abusive and barbaric practices at the jail and to establish a system of effective oversight. One of the named plaintiffs seeks damages for an assault he endured after an officer ordered another detainee to attack him.

The unspeakable brutality at the Cook County Jail is being meted out in the name of county taxpayers—and taxpayers are literally paying for this abuse through the millions of dollars the county pays annually to settle civil rights claims stemming from abusive jail conditions. But the people who bear the real cost are those who leave the jail with permanent injuries as a result of county officials operating an overcrowded, violent and out of control jail system. This lawsuit presents an opportunity for county officials to reduce the jail population and finally reform jail operations in a permanent sustainable way.

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About the Roderick and Solange MacArthur Justice Center

The Roderick and Solange MacArthur Justice Center advocates for human rights and social justice through litigation. As one of the nation's premier civil rights organizations, the MacArthur Justice Center has played a prominent role in bringing Chicago police misconduct and torture to the public's attention and has helped wrongfully convicted men and women win multi-million dollar verdicts and settlements as compensation for the time they spent in prison. Among its other cases, the Center has helped lead the fight against capital punishment in Illinois, has fought for the rights of the indigent in the criminal justice system, challenged the detention of terrorism suspects without trial or access to the courts, and has launched legal battles on behalf of juvenile parolees deprived of their rights to a fair hearing and legal representation.

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<http://www.law.northwestern.edu/legalclinic/macarthur/>