

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Leoncio Elizarri, by his Special	)	
Administrator Leticia Perez, Gregory L.	)	
Jordan, and Ted Velleff, individually and	)	
for others similarly situated,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	No. 17-cv-8120
-vs-	)	
	)	<i>(Judge Seeger)</i>
Sheriff of Cook County and Cook	)	
County, Illinois,	)	
	)	
<i>Defendants.</i>	)	

**SECOND AMENDED COMPLAINT**

Plaintiffs, by counsel, allege as follows:

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is conferred by 28 U.S.C. § 1343.
2. Leoncio Elizarri was, at the time of his death on October 13, 2018, a resident of the Northern District of Illinois. Leticia Perez serves as the Special Administrator of the Estate of Leoncio Elizarri pursuant to the Court's order of August 5, 2019. (ECF No. 73.)
3. Gregory L. Jordan and Ted Velleff are residents of the Northern District of Illinois.
4. Plaintiffs bring this case individually and for others similarly situated to assert the following three claims, described in greater detail below:

Claim	Para	Description
	1-16	Facts Common to All Claims
1	17-22	Fifth Amendment Takings
2	23-39	Fourteenth Amendment Damages
3	40-43	Fourteenth Amendment Equitable Relief

5. Defendant Sheriff of Cook County is responsible for operating the Cook County Jail and is sued in his official capacity only.

6. Defendant Cook County is joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003).

### **FACTS COMMON TO ALL CLAIMS**

7. The Cook County Jail is one of the largest single-site jails in the country and holds persons awaiting trial in Cook County who have been unable to secure pre-trial release.

8. Detainees enter the Cook County Jail with various items of personal property.

9. Before 2010, the official policy of defendant Sheriff was to inventory and store all personal property (other than contraband or items of an evidentiary nature) that was in a detainee's possession at the time of arrest.

10. Starting in about 2010, defendant Sheriff revised the above described policy to limit the types of detainee personal property that would be inventoried and stored at the Jail.

11. The types of detainee personal property that the Sheriff will store at the Jail now includes the following 14 categories of property:

- a) United States currency
- b) Clothing
- c) Credit cards/debit cards (the name on any card must match the inmate's identification)
- d) Transit cards
- e) Government-issued identification cards
- f) One plain wedding band
- g) Personal keys
- h) Belt
- i) Shoelaces
- j) Prescription eyeglasses
- k) Prescription medication
- l) Soft cover religious texts (e.g., Bible, Koran)
- m) Legal documents with soft cover only
- n) Necessary medical items directly related to the treatment of a medical condition

12. Plaintiffs refer in this complaint to the above enumerated categories as "CCDOC Compliant Property."

13. Each year, more than 8,000 persons leave the Cook County Jail to serve sentences of imprisonment in the Illinois Department of Corrections.

14. At all times relevant, the Illinois Department of Corrections ("IDOC") has limited the types of property that it would accept for a prisoner arriving from the Cook County Jail to the following:

- a) All monies held in the prisoner's commissary account
- b) Identification cards
- c) Legal papers
- d) One religious book, such a Bible or a Koran

- e) Eyeglasses or contacts and case (soft)
- f) Personal correspondence
- g) Wedding Band (without stones)
- h) Photos (up to 24)

15. Plaintiffs refer in this complaint to the above categories as “IDOC Compliant Property” and to property that the IDOC will not accept as “IDOC non-compliant property.”

16. Various types of property are “CCDOC compliant” but are not “IDOC compliant,” as set out below:

- a) Clothing
- b) Credit cards/debit cards
- c) Transit cards
- d) Personal keys
- e) Belt
- f) Shoelaces

#### **THE TAKINGS CLAIM: DETAINEE CLOTHING**

17. At all times relevant, the written policy of the Sheriff was to provide detainees leaving the Jail for the Illinois Department of Corrections with an opportunity to designate, on a form made available to the detainee on or before the day of transfer, a person to take custody of the detainee’s “IDOC non-compliant property.”

18. At all times relevant, the widespread practice at the Cook County Jail has been to ignore the above described designation policy. At all relevant

times, the widespread practice has been to seize the clothing of detainees leaving the Jail for the Illinois Department of Corrections and either destroy the clothing or make it available to other detainees being released from the Jail who do not have appropriate street clothing.

19. The above described practice was applied to clothing belonging to plaintiffs Elizarri, Jordan, and Velleff on the dates each left the Jail for the Illinois Department of Corrections:

- a. Elizarri left the Jail for the Illinois Department of Corrections on May 12, 2016.
- b. Jordan left the Jail for the Illinois Department of Corrections on May 2, 2008 and March 13, 2015.
- c. Velleff left the Jail for the Illinois Department of Corrections on January 24, 2014 and August 1, 2017.

20. To demonstrate the plausibility of the allegations about the existence of the above described practice, plaintiffs identify (by name, jail identification number, and date departed Jail for IDOC) 35 members of the putative class to whom the practice was applied in the attached Exhibit 1.

21. The Sheriff does not provide any compensation to a detainee whose property was taken in the manner described above.

22. The above described widespread practice resulted in a violation of the Takings Clause of the Fifth Amendment to the Constitution of the United States.

**FOURTEENTH AMENDMENT DUE PROCESS CLAIM:  
DESTRUCTION OF STORED DETAINEE PROPERTY**

23. Before 2008, the practice at the Cook County Jail was to destroy the “IDOC non-compliant” property (other than clothing) of prisoners transferred to the Illinois Department of Corrections unless the prisoner secured the services of another person to take custody of the property.

24. Starting in 2008, the Sheriff stopped destroying the “IDOC non-compliant” property referred to in the preceding paragraph; the Sheriff adopted a new procedure of storing that property while awaiting instructions from the court presiding over *Elizarri v. Sheriff*, 07-cv-2427, *aff’d* 901 F.3d 787 (7th Cir. 2016). Plaintiffs refer to this property as “stored detainee property.”

25. In 2011, the Sheriff hired an outside vendor to inventory the “stored detainee property.”

26. The outside vendor provided the Sheriff with an inventory of 57,641 sealed bags of “stored detainee property.”

27. Included within this inventory of the “stored detainee property” were 23,415 property bags that contained “IDOC compliant property” that should have been sent to the Illinois Department of Corrections, including cash and various forms of identification, such as a driver’s license or social security card.

28. Also included within the above referred inventory of “stored detainee property” were 386 property bags containing non-compliant CCDOC property such as valuable jewelry that could not have been voluntarily abandoned; this valuable jewelry included at least one diamond ring worth more than \$25,000.

29. One of the above described bags of “stored detainee property” contained property that had been seized from plaintiff Elizarri, four bags contained property belonging to defendant Jordan, and two contain property belonging to plaintiff Velleff.

30. At the direction of the Court, defendant Sheriff located and returned the Elizarri property during the pendency of this litigation.

31. Also at the direction of the Court, defendant Sheriff located and returned two of the bags inventoried from plaintiff Jordan.

32. On July 19, 2019, during the course of this litigation, the Sheriff represented in a sworn answer to Interrogatory 4 of Plaintiffs’ Second Set of Interrogatories (attached as Exhibit 2) that it was not currently disposing of “stored detainee property.”

33. The Sheriff also represented during the course of this litigation in its sworn answer to Interrogatory 7 of Plaintiffs’ First Set of Interrogatories (attached as Exhibit 3) that it would not dispose of any of the “stored detainee

property” unless and until it established “specific policies and procedures” and acted “pursuant to due notice to any former inmate.”

34. For about ten years, the Sheriff has considered establishing and publicizing a procedure to return the “stored detainee property” to its owners.

35. At all times relevant, the Sheriff has refused to provide notice to former detainees that their property was still being held at the Jail.

36. On September 28, 2020, the Sheriff revealed in this litigation that, contrary to the sworn interrogatory answers it served in 2019, the Sheriff began to dispose of the “stored detainee property” in late 2018. (Exhibit 4, Amended Answer to Second Set of Interrogatory No. 4.)

37. The Sheriff also revealed on September 28, 2020 that the number of items of “stored detainee property” being held had shrunk from the 57,641 sealed bags inventoried in 2011 to “approximately 5,000” property bags. (Exhibit 4, Amended Answer to Second Set of Interrogatory No. 4.)

38. The Sheriff did not give notice to the Court, to plaintiffs’ counsel, nor to any members of the putative class that it had begun to dispose of this property.

39. Plaintiffs and thousands of other similarly situated persons have been deprived of their property without due process of law by the Sheriff’s



decision to dispose of the above referred property without notice and by the loss of “stored detainee property” identified in the 2011 inventory.

**FOURTEENTH AMENDMENT DUE PROCESS CLAIM:  
PROPERTY HELD AWAITING INSTRUCTIONS**

40. The Due Process Clause of the Fourteenth Amendment requires the Sheriff to provide the best notice practicable to the persons whose property the Sheriff is holding as “stored detainee property” that their property is available for pickup.

41. The Sheriff has at all times relevant refused to provide any notice whatsoever to the persons whose property makes up the “stored detainee property” and has thereby irreparably harmed those persons.

42. The Due Process Clause of the Fourteenth Amendment also requires the Sheriff to safely secure the “stored detainee property.”

43. As reflected in the shrinkage of the number of items comprising the “stored detainee property,” the Sheriff has failed to safely secure that property and has thereby irreparably harmed the persons whose property can no longer be found among the “stored detainee property.

**CLASS**

44. Plaintiffs seek to maintain this case as a class action for the following subclasses:

- a. **Fifth Amendment Takings Subclass:** All persons who left the Cook County Jail to serve a sentence in the Illinois Department of Corrections on and after November 9, 2015 and who did not designate a person to take custody of their clothing and who did not freely and voluntarily abandon that property.
- b. **Fourteenth Amendment Damages:** All persons transferred to the Illinois Department of Corrections from the Cook County Jail whose property remained in the custody of the Sheriff of Cook County and was sold, destroyed, or lost on and after November 9, 2015.
- c. **Fourteenth Amendment Equitable Relief:** All persons transferred to the Illinois Department of Corrections from the Cook County Jail whose property remains in the custody of the Sheriff of Cook County

45. Each proposed subclass satisfies the prerequisites of Rule 23(a) and certification is appropriate under Rules 23(b)(3) for subclasses (a) and (b), and under Rule 23(b)(2) for subclass (c).

46. Plaintiffs hereby demands trial by jury on any issue for which a jury is available.

WHEREFORE plaintiffs request that the Court require the Sheriff:

- a. To pay reasonable compensation to the members of subclass (a) on their Takings Claim;
- b. To make appropriate restitution to members of subclass (b) for property that has been lost, misplaced, or destroyed, and
- c. To grant appropriate injunctive relief to compel the Sheriff to provide notice to all members of subclass (c) and to establish a procedure to return all “stored detainee property.”

Plaintiffs also requests that the costs of this action, including fees and costs, be taxed against defendants.

/s/ Kenneth N. Flaxman  
Kenneth N. Flaxman  
ARDC No. 08830399  
Joel A. Flaxman  
200 South Michigan Ave Ste 201  
Chicago, Illinois 60604  
(312) 427-3200  
*Attorneys for Plaintiffs*

## 35 Members of the Putative Class

First Name	Last Name	Jail ID	Date to IDOC
Milton	Allison	20191228125	12/30/2019
Joshua	Alston	20181209136	1/16/2019
Ransmon	Anderson	20190814156	2/1/2020
Sidney	Bell	20191022177	10/31/2019
Lamar	Bramlett	20191006135	10/16/2019
Geround	Brown	20180805015	1/17/2019
Joshua	Caldwell	20180614020	2/1/2019
Christina M	Childress	20190114090	1/27/2019
Jarvis	Coleman	20180831209	2/4/2019
Ronnie	Cordell	20190311066	3/29/2019
Donn	Davis	20190807188	11/27/2019
Simeon S	Davis	20180901049	2/8/2019
Aljani	Floyd	20191019076	1/28/2020
Ricardo	Garcia	20190221190	2/25/2019
Darius	Givens	20190420114	6/13/2019
Gregory	Hedrick	20190530184	6/4/2019
Jimmy D.	Hitchcock	20190704023	7/11/2019
Raquel	Jacobs	20200831041	8/31/2020
Robert	Johnston	20190213110	2/19/2019
Seneca	Lofton	20181119218	3/1/2019
Evelio	Lopez	20200520068	5/20/2020
John	Lynch	20200724091	7/27/2020
Tauheedah	Mcgee	20190519001	5/24/2019
Shawntell	Pineda	20190117109	3/13/2019
Dashaun	Riley	20190618016	7/23/2019
Ryan	Rodgers	20180913015	6/3/2019
Darries	Sanders	20191002212	10/4/2019
Salvador	Sandoval	20181026040	11/8/2018
Arland	Scott	20190508049	5/14/2019
Stephan	Simmons	20191207131	12/15/2019
Eric	Ware	20180711205	2/14/2019
Eugene	Washington	20181214198	1/28/2019
Marcus	Womack	20190606092	7/1/2019
Amy	Won	20200728088	7/28/2020
Deshawn	Wright	20181017139	1/17/2019

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LEONCIO ELIZARRI and GREGORY L.	)	
JORDAN, individually and for others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 17 cv 8120
	)	
SHERIFF OF COOK COUNTY and	)	Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,	)	
	)	
Defendants.	)	

**DEFENDANT, SHERIFF OF COOK COUNTY'S  
ANSWERS TO SECOND SET OF INTERROGATORIES**

NOW COMES the Defendant, SHERIFF OF COOK COUNTY, by and through its attorneys, SANCHEZ DANIELS & HOFFMAN LLP and as its Answers to Plaintiff's Second Set of Interrogatories, states as follows:

1. State the name and position of the person or persons answering these interrogatories.

**ANSWER:** The individual representative of the Office of the Cook County Sheriff verifying these interrogatories, as required by Rule 33(b), is Khara Coleman, Assistant General Counsel, Department of Legal and Labor Affairs. Ms. Coleman may be contacted through counsel of record, listed below.

2. Has the Sheriff issued any written directives on or after July 1, 2013 of any sort concerning the disposition of property sent to the warehouse, as referred to in the Court's order of April 17, 2019 at 4?

**ANSWER:** The Office of the Cook County Sheriff has issued and reissued policies and procedures related to the transfer of relevant property.

3. Unless your answer to the preceding interrogatory is an unqualified "no," please identify by date, title, and current custodian, all such written directives.

**ANSWER:** The Office of the Cook County Sheriff of has issued and reissued the Cook County Department of Corrections Inmate Information Handbook - effective June 2018, Chapter 9, Cook County Department of Corrections Policy 717 - reissued

on October 1, 2018, Procedure 109 - reissued on October 1, 2018, Cook County Department of Corrections Policy 305, Lexipol LLC dated February 1, 2019 and Cook County Department of Corrections Policy 315, Lexipol LLC dated February 1, 2019.

4. Describe the Sheriff's current procedure, if any, for disposition of property sent to the warehouse, as referred to in the Court's order of April 1, 2019 at 4.

**ANSWER:** Due to the pendency of the *Elizarri* litigation, the subject detainee property that might have been disposed of pursuant to the policies and procedures of the Cook County Department of Corrections, including Procedure 109 and Policies 305, 315 or 717, or pursuant to 20 Ill. Adm. Code 701.60(d), is not currently being disposed of by the Office of the Cook County Sheriff.

Gerald M. Dombrowski (#6210375)  
Yifan Xu Sanchez (#6301220)  
Special Assistant State's Attorneys  
**SANCHEZ DANIELS & HOFFMAN LLP**  
Attorneys for Defendant, SHERIFF OF COOK COUNTY  
333 West Wacker Drive  
Suite 500  
Chicago, Illinois 60606  
[gdombrowski@sanchezdh.com](mailto:gdombrowski@sanchezdh.com)  
[ysanchez@sanchezdh.com](mailto:ysanchez@sanchezdh.com)

**VERIFICATION**

Under penalty of perjury as provided by law pursuant to Federal Rules of civil Procedure 33(b)(5), the below states that the information contained in Defendant Sheriff of Cook County's Answer to Plaintiff's Second Set of Interrogatories is true and correct to the best of my knowledge, information and belief, based on upon the information made available to me, and, therefore, the foregoing objections and answer to Defendant Sheriff of Cook County's Answer to Plaintiff's Second Set of Interrogatories is based on behalf of me in this litigation.



Khara Coleman

Gerald M. Dombrowski (#6210375)  
Yifan Xu Sanchez (#6301220)  
Special Assistant State's Attorneys  
**SANCHEZ DANIELS & HOFFMAN LLP**  
Attorneys for Defendant, SHERIFF OF COOK COUNTY  
333 West Wacker Drive  
Suite 500  
Chicago, Illinois 60606  
(312) 641-1555  
[gdombrowski@sanchezdh.com](mailto:gdombrowski@sanchezdh.com)  
[ysanchez@sanchezdh.com](mailto:ysanchez@sanchezdh.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LEONCIO ELIZARRI, individually and for others )		
similarly situated, )		
	)	
Plaintiff, )		
	)	
v. )		No. 17 CV 8120
	)	
SHERIFF OF COOK COUNTY and )		Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS, )		
	)	Magistrate Judge Daniel G. Martin
Defendants. )		

**ANSWERS TO INTERROGATORIES**

NOW COMES the Defendant, SHERIFF OF COOK COUNTY, by and through his attorneys, SANCHEZ DANIELS & HOFFMAN LLP and as his Answers to Plaintiff's Interrogatories, states as follows:

1. State the name and position of the person or persons answering these interrogatories.

**ANSWER:** These interrogatories were answered by counsel of record in this litigation, with the assistance of Khara Coleman, Assistant General Counsel-Civil Litigation & Torts, Department of Legal & Labor Affairs, Cook County Sheriff's Office.

2. For each of the persons identified on the attached Exhibit 1, state:

- a) The amount of funds, if any, currently being held in each person's "Resident Account" in connection with the identification number set out in Exhibit 1, and
- b) The property, if any, currently being held by the Sheriff that had been inventoried when each person identified in Exhibit 1 entered the Cook County Jail and was assigned the specified identification number set out in Exhibit 1.

**ANSWER:** Defendant objects to this Interrogatory as it is compound, unduly burdensome, and seeks information not relevant to Jordan Gregory's or Leoncio Elizzari's claims nor proportional to the needs of the case, the importance of the discovery



in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Subject to and without waiving said objections, the relevant issues in the current lawsuit brought by Jordan Gregory or Leoncio Elizzari concern whether Gregory or Elizzari abandoned any personal items upon release from CCDOC for failure to pick up or due to designation to donate items, *see* Sheriff 021-030, and Jordan Gregory or Leoncio Elizzari has not alleged and cannot allege that the policy or procedure for detainee to sign property designation form upon his/her release is unconstitutional. *See* Sheriff 031-344, policies, procedures, rules and regulations.

3. Has the Sheriff issued any written directives on or after July 1, 2013 of any sort concerning transferring property from the Cook County Jail to the facility at 2323 South Rockwell, Chicago, Illinois 60608?

**ANSWER:** Defendant objects to this Interrogatory as it is vague and ambiguous, and seeks information not relevant to Jordan Gregory's or Leoncio Elizzari's claims. Subject to and without waiving said objections, the relevant issues in the current lawsuit brought by Jordan Gregory or Leoncio Elizzari concern whether Gregory or Elizzari abandoned their personal items upon release from CCDOC for failure to pick up or due to designation to donate items, *see* Sheriff 021-022. Jordan Gregory or Leoncio Elizzari has not alleged and cannot allege that the Sheriff's policy or procedure for detainee to sign property designation form upon his/her release is unconstitutional. *See* Sheriff 031-344, including but not limited to CCDOC Procedure 109 and G.O. 24.14.21.0 contained therein.

4. Unless your answer to the preceding interrogatory is an unqualified "no," please identify by date, title, and current custodian, all such written directives.

**ANSWER:** *See* Answer to Interrogatory No. 3.

5. Does the Sheriff have any plan to notify any of the former detainees that their personal property is being held at the facility at 2323 South Rockwell, Chicago, Illinois 60608?

**ANSWER:** Defendant objects to this Interrogatory as it is excessively general, overly broad, unduly burdensome, vague and ambiguous, and seeks information not relevant to Jordan Gregory's or Leoncio Elizzari's claims nor proportional to the needs of the case. Further objecting, this Interrogatory assumes legal and factual conclusions, namely the assumptions that once a detainee abandons his/her personal items, he/she retains a right to claim or receive said items, that the Sheriff is under any legal obligation to notify any former detainee, or that the Sheriff is under any legal obligation to return any personal items of former detainee after the former detainee failed to have the items picked up or designated the property to be

donated or otherwise relinquished the right/ownership to the items. Further answering, the Sheriff provides notice to all detainees of how they can claim or designate an individual to retrieve their personal property. *See* Inmate Handbooks and G.O. 24.14.21.0 and other documents contained in Sheriff 031-344.

6. Unless your answer to the preceding interrogatory is an unqualified "no," please describe any such plans and identify the person or persons with the most knowledge of such plans.

**ANSWER:** *See* Answer to Interrogatory No. 5.

7. Does the Sheriff intend to return or otherwise dispose of any of the property of former detainees that the Sheriff is currently holding at the facility at 2323 South Rockwell, Chicago, Illinois 60608?

**ANSWER:** Defendant objects to this Interrogatory as it is compound, excessively general, overly broad, unduly burdensome, vague and ambiguous, and seeks information not relevant to Jordan Gregory's or Leoncio Elizzari's claims. Further objecting, this Interrogatory assumes legal and factual conclusions, namely that once a detainee abandons his/her personal items, he/she retains a right to claim or receive said items, that the Sheriff is under any legal obligation to notify any former detainee, or that the Sheriff is under any legal obligation to return any personal items of former detainee after the former detainee failed to have the items picked up or designated the property to be donated or otherwise relinquished the right/ownership to the items.

Subject to and without waiving said objections, the relevant issues in the current lawsuit brought by Jordan Gregory's brought by Jordan Gregory or Leoncio Elizzari concern whether Gregory or Elizarri abandoned any personal items upon release from CCDOC for failure to pick up or due to designation to donate items, see Sheriff 021-030 attached hereto, and Jordan Gregory's or Leoncio Elizzari has not alleged and cannot allege the Sheriff policy or procedure for detainee to sign property designation form upon his/her release is unconstitutional. Further answering, according to G.O. 24.14.21.0 and Chapter 9 of all relevant Inmate Handbooks, inmate property, if not picked up within the time frame provided to the inmate, can be disposed of or donated and according to Procedure 109, unclaimed property will be sent to warehouse for disposition. *See* Sheriff 031-344.

8. Unless your answer to the preceding interrogatory is an unqualified “no,” please describe any such plans and identify the person or persons with the most knowledge of such plans.

**ANSWER:** See Answer to Interrogatory No. 7.

9. Identify by name, job title, and if not a current employee, last known address and phone number, the person or persons who located the information tendered by the defense in this lawsuit about the named plaintiffs’ property.

**ANSWER:** See Sheriff’s Response to MID (1).

Respectfully submitted,  
**SANCHEZ DANIELS & HOFFMAN LLP**

/s/Yifan Xu Sanchez

Gerald M. Dombrowski (#6210375)  
Yifan Xu Sanchez (#6301220)  
Special Assistant State’s Attorneys  
**SANCHEZ DANIELS & HOFFMAN LLP**  
Attorneys for Defendant, SHERIFF OF COOK COUNTY  
333 West Wacker Drive  
Suite 500  
Chicago, Illinois 60606  
(312) 641-1555  
[ysanchez@sanchezdh.com](mailto:ysanchez@sanchezdh.com)

**VERIFICATION**

Pursuant to Federal Rule of Civil Procedure 33(b), I, Khara Coleman, Assistant General Counsel for the Office of the Cook County Sheriff, hereby affirm under oath that Defendant Sheriff Thomas Dart's Answers to Plaintiff's Interrogatories, in *Elizarri v. Sheriff, et al*, 17 CV 8120, are true and correct to the best of my knowledge, information, and belief. The Responses provided herein are not based on my sole recollection, memory or knowledge, but rather were gathered by reviewing the records and documents in the possession of the Cook County Sheriff's Office and by consulting counsel of record and persons employed in the Cook County Sheriff's Office.

Submitted: January 16, 2019



Khara Coleman, Assistant General Counsel  
for the Office of the Cook County Sheriff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LEONCIO ELIZARRI and GREGORY L.	)	
JORDAN, individually and for others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 17 cv 8120
	)	
SHERIFF OF COOK COUNTY and	)	Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,	)	
	)	
Defendants.	)	

**DEFENDANT, SHERIFF OF COOK COUNTY'S  
AMENDED ANSWER TO SECOND SET OF INTERROGATORY NO. 4**

NOW COMES the Defendant, SHERIFF OF COOK COUNTY, by and through its attorneys, SANCHEZ DANIELS & HOFFMAN LLP and as its Amended Answer to Plaintiff's Second Set of Interrogatory No. 4, previously answered June 2019 states as follows:

4. Describe the Sheriff's current procedure, if any, for disposition of property sent to the warehouse, as referred to in the Court's order of April 1, 2019 at 4.

**ANSWER:** Due to the pendency of the *Elizarri* litigation, the subject detainee property that might have been disposed of pursuant to the policies and procedures of the Cook County Department of Corrections, including Procedure 109 and Policies 305, 315 or 717, or pursuant to 20 Ill. Adm. Code 701.60(d), is not currently being disposed of by the Office of the Cook County Sheriff.

**AMENDED ANSWER:**

Defendant objects to the Interrogatory as vague to the extent that it seeks information on a process for "disposition of property sent to the warehouse", as the operative Complaint contains no references related to a warehouse, and there appears to be no dispute of a legal or factual issue concerning "disposition of property sent to the warehouse", as opposed to general issue of disposition of compliant property bags that were not destroyed pursuant to CCDOC policies in effect at the time, regardless of where they may have been stored.

To the extent that Plaintiff's Second Interrogatory No. 4 seeks information for disposition of a collection of compliant property that was not destroyed pursuant to CCDOC policies in effect at the time that they were collected, as described in paragraphs 14-21 and 33-36 of the Amended Complaint. (ECF Dkt. 42), such property remains in the custody of the CCDOC. Those property bag number approximately 5,000.

To the extent that Plaintiff's Second Interrogatory No. 4 seeks to know the *current* procedure for the disposition of detainee property, Defendant directs Plaintiff to CCDOC procedure 109 and policies 305, 315, 717 or pursuant 20 Ill. Adm. Code 701.60(d), previously produced by this Defendant.

With respect to the subject compliant property bags which were previously eligible for destruction, but had not been destroyed, the Office of the Cook County Sheriff did not destroy such bags. Those bags are among the approximately 5,000 inventoried at this time. However, the Sheriff's Office did not continue to accumulate compliant property bags which were otherwise eligible for destruction, and now follows its property retention and destruction policies.

Currently and as of late 2018, this Defendant has been following its policies, procedures and the law related to the destruction of detainee property. As such, Defendant currently does not hold property after the specified time period and has followed its policies, procedures and the law regarding the disposal of property,

**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I, Khara Coleman, Assistant General Counsel with the Office of the Cook County Sheriff, state under penalty of perjury, and pursuant to Federal Rule of Civil Procedure 33(b)(5), that the information contained in Sheriff of Cook County's Amended Answer to Plaintiff's Second Set of Interrogatory No. 4, *Elizarri et al v. Sheriff et al*, 17 cv 8120, is true and correct to the best of my knowledge, information and belief. The Responses provided herein are not based on my sole recollection, memory or knowledge, but rather were drafted based upon consultation with employees of the Office of the Cook County Sheriff, based upon review of records and documents in the possession of the Cook County Sheriff's Office, and upon advice and consultation of our attorneys.

Date: 9-25-2020



Khara Coleman

Assistant General Counsel – Civil Litigation & Torts  
Office of the Cook County Sheriff

Gerald M. Dombrowski (#6210375)  
Special Assistant State's Attorney  
**SANCHEZ DANIELS & HOFFMAN LLP**  
Attorneys for Defendant, SHERIFF OF COOK COUNTY  
333 West Wacker Drive  
Suite 500  
Chicago, Illinois 60606  
(312) 641-1555  
[gdombrowski@sanchezdh.com](mailto:gdombrowski@sanchezdh.com)