

SUPERINTENDENT TRACY L. ENGLESON

May 21, 2013

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

LEONCIO ELIZARRI, RONALD RICHARDSON,)
and GRZEGORZ ZAWADOWICZ, individually)
and for a class,)
)
)
Plaintiffs,)
)
)
-vs-) No. 07 CV 2427
)
SHERIFF OF COOK COUNTY and)
COOK COUNTY, ILLINOIS,)
)
Defendants.)

Deposition of SUPERINTENDENT TRACY L. ENGLESON, taken before ROBBIN M. OCHEŃKOWSKI, C.S.R., and Notary Public, pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of 30(b) (6) depositions, at 16830 South Broadway Street, in the Suburb of Crest Hill, City of Chicago, Illinois, at 11:55 p.m. on the 21st day of May A.D. 2013.

There were present at the taking of this deposition the following counsel:

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1 PRESENT:

2 THOMAS G. MORRISSEY, LTD., by
3 MR. THOMAS G. MORRISSEY
4 10249 South Western Avenue
5 Chicago, Illinois 60643
6 (773) 238-4235
7 tgmlaw@ameritech.net

8 on behalf of the Plaintiffs;

9 ASSISTANT STATE'S ATTORNEY
10 CIVIL ACTIONS BUREAU by
11 MS. MARY E. MC CLELLAN
12 500 Daley Center
13 Chicago Illinois 60602
14 (312) 603-5440
15 Mary.McClellan@cookcountyil.gov

16 on behalf of the Defendants;

17 ASSISTANT GENERAL COUNSEL
18 LEGAL AND LABOR AFFAIRS by
19 MR. GEORGE J. VOURNAZOS
20 3026 South California Avenue
21 Building 1, Room 202
22 Chicago, Illinois 60608
23 (312) 674-4316
24 George.Vournazos@cookcountyil.gov
on behalf of the Defendants;
OFFICE OF THE ATTORNEY GENERAL
GENERAL LAW BUREAU by
ASSISTANT ATTORNEY GENERAL UNIT SUPERVISOR
MR. KEVIN LOVELLETTE and
ASSISTANT ATTORNEY GENERAL MS. ERIN R. GARD
100 West Randolph Street
Chicago, Illinois 60601
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25 on behalf of Superintendent
Tracy L. Engleson.

- - - - -

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1 DEPOSITION OF SUPERINTENDENT TRACY L. ENGLESON
2 Taken: May 21, 2013

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4 Mr. Morrissey 4
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6 Mr. Morrissey 37
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8 EXHIBITS
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10 Plaintiff's Exhibit 1 8
11 (document from the IDOC dated June 7th, 2005,
12 addressed to Dear Sheriff and from a Roger Walker)
13 Plaintiff's Exhibit 2 10
14 (August 19th, 2005, document addressed to
15 Honorable Michael F. Sheahan, Cook County from
16 Dee Battaglia)

17 Plaintiff's Exhibit 3 27
18 (Administrative Code for Corrections, Criminal
19 Justice and Law Enforcement)

20 Plaintiff's Exhibit 4

21 Plaintiff's Exhibit 5 4
22 (subpoena to the Illinois Department of Corrections
23 with attached rider)

24 Plaintiff's Exhibit 6 14
25 (NRC Intake Property Inventory Record)

26 Plaintiff's Exhibit 7 19
27 (Intake Authorized Property document)

28 Plaintiff's Exhibit 8 31
29 (form from the Cook County Department of Corrections)
30 (An Exhibit 4 was neither marked or referred to.)

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1 (Witness first duly sworn.)

2 SUPERINTENDENT TRACY L. ENGLESON,
3 called as a 30(b) (6) witness herein, having been first
4 duly sworn, was examined upon oral interrogatories and
5 testified as follows:

6 MR. MORRISSEY: This is a Rule 230(b) (6) deposition,
7 and it's taken pursuant to subpoena for the Illinois
8 Department of Corrections.

9 EXAMINATION

10 by Mr. Morrissey:

11 MR. MORRISSEY: Q I'm going to mark this as Exhibit
12 Number 5, which is the subpoena to the Illinois
13 Department of Corrections with an attached rider and ask
14 you to take a look at that document for a second.

15 (Plaintiff's Exhibit 5 marked.)

16 MR. MORRISSEY: Q Have you seen Exhibit 5 before?

17 **A Yes.**

18 Q And are you being produced by the Illinois
19 Department of Corrections pursuant to the attached
20 rider?

21 **A Yes.**

22 Q Will you state your full name for the record,
23 please?

24 **A Tracy L. Engleson.**

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1 Q Are you employed by the Illinois Department of
2 Corrections?

3 **A Yes, I am.**

4 Q How are you employed?

5 **A Superintendent of the Northern Region Reception**
6 **and Classification Center.**

7 Q How long have you been with the IDOC?

8 **A Since January 20th, '92.**

9 Q For what period of time have you been stationed
10 at Stateville?

11 **A I've been -- I started at Stateville in '92, and**
12 **then I left for Joliet July of 2000, and then I came**
13 **back over to Stateville when they closed the Joliet**
14 **Prison.**

15 Q When did you come back to Stateville?

16 **A It must have been like 2003.**

17 Q So from 2003 to the present, have you been
18 assigned to the receiving and classification unit?

19 **A Yes, I have been assigned.**

20 Q Do all inmates that are shipped to the IDOC come
21 through Stateville?

22 **A No.**

23 **Just the ones from specific counties north of**
24 **Logan.**

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1 Q The detainees from Cook County Jail that are
2 shipped to the IDOC, do they enter the IDOC through
3 Stateville?

4 **A Yes, through the NRC portion of it.**

5 Q When inmates are shipped to the IDOC from
6 Cook County, do they -- are they transported with any
7 documents?

8 **A Yes. They're transported with their MITT's.**

9 Q What is a MITT?

10 **A A MITT is a documentation signed by the judge
11 sentencing him to a felony, anything more than a year,
12 it shows their time, their crime, their statute.**

13 Q Are the MITT's transported with the prisoners by
14 the correctional officers that drop them off at
15 Stateville?

16 **A The sheriff department, yes.**

17 Q So the officers that transport the prisoners
18 from Cook County to Stateville bring with them
19 documentation in regards to their MITT's, correct?

20 **A Right, sentencing order.**

21 Q Is there an area where the sheriffs from
22 Cook County drop off these papers for the MITT's for the
23 prisoners that they're transporting?

24 **A Right.**

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1 **They drop them off in the record office. It's**
2 **the same area that they drop off the offenders. It's in**
3 **the same building.**

4 Q Has that been true since 2005 --

5 **A Yes.**

6 Q -- to present?

7 What is the name of that building where they
8 drop off prisoners from Cook County Jail to the IDOC?

9 **A The reception center.**

10 Q In addition to bringing the MITT's or the
11 documentation for inmates that are transported from
12 Cook County Jail to the IDOC, at times do correctional
13 officers from Cook County bring with them personal
14 papers and property of inmates?

15 **A The offenders carry their own property.**

16 Q Has that been true from 2005 to the present that
17 the offenders carry their own personal property?

18 **A Yes.**

19 Q To your knowledge do they carry their personal
20 property in a plastic bag or do they just carry it on
21 their person?

22 **A Prior to 2005, when a memo came out issued by**
23 **our director, they will carry huge garbage bags of**
24 **property, but then the director came out with a memo**

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1 back in June of 2005 stating that they're only allowed
2 to bring in the property that they're authorized to
3 have.

4 (Plaintiff's Exhibit 1 marked.)

5 MR. MORRISSEY: Q I'm showing you what has been
6 marked for exhibit purposes as Plaintiff's Exhibit
7 Number 1.

8 It's a document from the IDOC dated June 7th,
9 2005, and it's addressed to Dear Sheriff, and it's from
10 a Roger Walker.

11 And I ask you if you've seen that document
12 before.

13 A Yes .

14 Q Is that the document you're referring to that
15 was issued --

16 A Yes.

17 Q -- in June of 2005?

18 MR. LOVELLETTE: If you can, wait for him to ask the
19 full question.

20 THE WITNESS: I got you.

21 MR. LOVELLETTE: That way she can finish typing.

22 | THE WITNESS: All right.

23 | MR. LOVELLETTE: Thanks.

24 MR. MORRISSEY: Q To your knowledge prior to June

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1 of 2005, was there a similar document sent to sheriffs
2 in the State of Illinois in regards to what type of
3 property offenders could bring into the IDOC?

4 **A Not that I'm aware of.**

5 Q Do you know how this document which is
6 Plaintiff's Exhibit Number 1 was conveyed to the Sheriff
7 of Cook County?

8 **A They sent them off to the counties.**

9 Q Was that by mail, or was that --

10 **A I don't know.**

11 Q After that letter, the June 7th letter, 2005,
12 was sent to the Sheriff of Cook County, did the type of
13 property that inmates brought to the IDOC from the jail
14 change?

15 **A Yes.**

16 Q How did it change?

17 **A It was a lot less.**

18 **But that wasn't in the -- what the memo was**
19 **stating they were authorized to have.**

20 Q When you say a lot less, what do you mean?

21 **A They weren't bringing in garbage bags full of**
22 **property. They were just bringing in little bags of**
23 **property.**

24 Q And how long did that continue that prisoners

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1 from Cook County Jail continued to bring more items than
2 what was permissible under the June 7th, 2005, letter
3 which is Exhibit Number 1?

4 **A Until August of 2005, another memo came out from**
5 **our warden.**

6 **(Plaintiff's Exhibit 2 marked.)**

7 MR. MORRISSEY: Q I'm showing you a document that's
8 been marked as Plaintiff's Exhibit Number 2. It's dated
9 August 19th, 2005, and this one is actually addressed to
10 the Honorable Michael F. Sheahan, Cook County, and it's
11 from a person by the name of Dee Battaglia.

12 I'm going to ask you to take a look at that
13 document for a moment.

14 **A Yes, sir.**

15 Q Is that the document you're referring to in
16 August of 2005?

17 **A Yes, sir.**

18 MS. MC CLELLAN: I'd just ask that you would show
19 the documents to counsel, too, when you're presenting to
20 a witness.

21 MR. MORRISSEY: Sure.

22 Do you have a copy of it?

23 MS. MC CLELLAN: I brought my own.

24 But it just occurred to me there's other

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1 counsel present.

2 MR. MORRISSEY: (Indicating.)

3 Q Were you working in receiving and
4 classification when the second memo came out in August
5 of 2005?

6 **A Yes.**

7 Q Did you observe that there was less personal
8 property being brought by prisoners from Cook County
9 Jail to the IDOC after the second letter was sent?

10 **A Yes.**

11 Q After August of 2005, did the Sheriff of
12 Cook County pretty much adhere to Exhibit Number 1 in
13 regards to the types of property that inmates would be
14 transported with to the IDOC?

15 **A Yes.**

16 Q Were there occasions, however, after August of
17 2005 when prisoners were sent from the Cook County Jail
18 to the IDOC and they had some personal property such as
19 jewelry or watches or books or other property that was
20 not within the standards set out in your Exhibit 1?

21 MS. MC CLELLAN: Objection; incomplete hypothetical.

22 MR. LOVELLETTE: You can answer.

23 THE WITNESS: A Yes.

24 MR. MORRISSEY: Q And how often did that happen?

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1 THE WITNESS: A Frequently.

2 MR. MORRISSEY: Q What types of personal property
3 do you recall after August of 2005 inmates from Cook
4 County Jail attempting to bring into the IDOC on the
5 buses?

6 **A They were bringing their personal tennis shoes,
7 they were bringing watches, they were bringing wedding
8 rings that had stones in them, they were bringing AA
9 books, they were bringing state ID's.**

10 Q What types of identification cards after August
11 of 2005 could prisoners bring from the Cook County Jail
12 to the IDOC?

13 **A They could bring their social security cards, we
14 would keep them, and they would bring their State of
15 Illinois ID cards, and we would hold them until they
16 discharged or MSR's, and we were to give them back.**

17 Q Could they bring in a driver's license to the
18 IDOC?

19 **A Yes.**

20 Q Any other types of personal property they could
21 bring in after August of 2005?

22 **A Well, they -- when they did bring it in and it
23 wasn't authorized, then they would send it home.**

24 Q I see.

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1 Any other types of identification other than
2 social security cards and either a state ID or a
3 driver's license could they bring in?

4 **A No.**

5 **We would send it home.**

6 Q In regards to legal mail --

7 **A Yes.**

8 Q -- when prisoners -- and these questions are all
9 about prisoners from Cook County Jail coming to the IDOC
10 after August of 2005, what type of legal mail would the
11 IDOC allow a prisoner to bring into --

12 **A All of it.**

13 Q Pardon?

14 **A All of it.**

15 Q So what is considered legal mail?

16 **A Legal mail is anything legal pertaining to his
17 court case, his lawsuits, anything dealing with the law.**

18 Q If a prisoner from Cook County Jail had an
19 inventory receipt that they received when they came into
20 the jail, could they bring those inventory receipts with
21 them if they were shipped to the IDOC?

22 **A Yes, as miscellaneous paperwork.**

23 Q What is considered personal mail in regards to
24 June 7th, 2005?

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1 **A Letters they received from outside.**

2 Q Is there any restriction for as far as inmates
3 coming into the IDOC from the Cook County Jail in
4 regards to personal mail?

5 **A Right.**

6 **There's a limited number that they could bring**
7 **in.**

8 Q What is the limitation?

9 THE WITNESS: May I see this?

10 MR. LOVELLETTE: She's asking to look at something
11 that's not been marked yet.

12 MR. MORRISSEY: Oh, okay.

13 THE WITNESS: A Twelve personal letters or cards.

14 MR. MORRISSEY: Can I have a sticker?

15 (Plaintiff's Exhibit 6 marked.)

16 MR. MORRISSEY: Q I'm showing you what has been
17 marked as Plaintiff's Exhibit Number 6. It's an NRC
18 Intake Property Inventory Record.

19 Do you see that document?

20 **A Yes.**

21 Q When was this document released by the IDOC?

22 **A 12-15-2008 it was revised, but we have this**
23 **document for as long as I remember.**

24 MS. MC CLELLAN: Did you say Exhibit 6?

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1 MR. MORRISSEY: Exhibit 6, correct.

2 Q At the IDOC, when a prisoner from
3 Cook County was admitted to the IDOC, what types -- what
4 are the names of the IDOC officers that inventory the
5 personal property?

6 MR. LOVELLETTE: I'm sorry. You're asking for their
7 actual names --

8 MR. MORRISSEY: No. I'm sorry.

9 MR. LOVELLETTE: -- or their titles?

10 MR. MORRISSEY: Their titles.

11 THE WITNESS: A Correctional officers.

12 MR. MORRISSEY: Q Can you briefly tell me the
13 process when an inmate from Cook County Jail gets off
14 the transportation bus and is brought into the IDOC
15 receiving room?

16 A Well, what we do is, we bring them up, and we
17 confiscate any bags that they bring in with them.

18 They're allowed to keep their letters and their
19 bibles and their pictures, and everything that's
20 authorized on this letter, they're allowed to keep. The
21 rest of their property is placed into cardboard boxes,
22 it's taken to property.

23 When we call up the offender, we'll go in the
24 box, we'll pull out his unauthorized property and we'll

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1 **inventory it.**

2 **Then he's allowed to either throw it away or**
3 **he's allowed to send it home by UPS at his expense.**

4 Q So when a prisoner is initially brought into the
5 receiving area, does a correctional officer go through
6 the personal property to sort out what is acceptable
7 under Exhibit 1 and what is not -- what is considered
8 unauthorized?

9 A **Right.**

10 **The bag which is sealed will come up, the**
11 **officer will call up the inmate, they'll inventory all**
12 **their stuff, they say, you can pick out 24 pictures, you**
13 **can pick out 12 letters, and the inmate goes there, I**
14 **want this one, I want this one, I want this one, and the**
15 **rest of it they inventory unauthorized property, the**
16 **inmate signs that, yes, he did bring in that property,**
17 **and then he's given a receipt and it's either shipped**
18 **home or thrown away.**

19 Q To the best of your knowledge, did it change as
20 far as --

21 You mentioned before that prisoners back in
22 2005 from the Cook County Jail were coming into the IDOC
23 with just bags of stuff, correct?

24 A **Right.**

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1 Q I assume the bags they were bringing to the IDOC
2 were not in sealed envelopes.

3 **A No.**

4 **They were like garbage bags and big huge paper**
5 **bags.**

6 Q When did that change as far as Cook County
7 providing sealed bags for prisoners --

8 **A It changed when --**

9 **I'm sorry.**

10 Q -- of property from Cook County to the IDOC?

11 **A August of last year.**

12 Q So that would be August of 2012, correct?

13 **A Yes, sir.**

14 Q Between 2005 and August of 2012, how were
15 prisoners from the Cook County Jail bringing their
16 personal property to the IDOC?

17 **A It was much smaller items, and they were allowed**
18 **just to carry it in because there wasn't really that**
19 **much property.**

20 Q Are they placed in bullpens --

21 **A Yes.**

22 Q -- when they actually come into the receiving
23 room?

24 And they still have their personal property

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1 when they're initially in the bullpens?

2 **A Yes.**

3 Q And at some point in time, they're brought up to
4 a property cage, is that true?

5 **A A property table, yes.**

6 Q A property table.

7 And it's at that point that correctional
8 officers inventory their property, correct?

9 **A Yes.**

10 Q And they sort through whatever stuff the inmates
11 were carrying prior to August of 2012 at that table,
12 correct?

13 **A Yes.**

14 Q And do they fill out what is Exhibit 6?

15 **A Yes.**

16 Q And does the inmate then sign the document?

17 **A Yes.**

18 Q You mentioned unauthorized property.

19 Is the unauthorized property also listed on the
20 inventory sheet?

21 **A Yes.**

22 Q And the IDOC correctional officer then takes the
23 unauthorized properties from the prisoner, and do they
24 put them in a box, or how do they do that?

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1 **A Yes, we put it in a UPS box, and then the**
2 **offender will make out the envelope label so we could**
3 **attach it to the box, and they also make out a money**
4 **order, a money voucher so we can charge the offender**
5 **postage.**

6 **Q Is there any form that is filled out if the**
7 **inmate does not want to pay for shipping the**
8 **unauthorized property to a friend or a family member?**

9 **A It just -- It's just thrown away, and the inmate**
10 **signs that we threw away.**

11 MR. LOVELLETTE: She's referring to Number 6.

12 MR. MORRISSEY: **Q On Number 6 there's a box that**
13 **says that.**

14 **A You can see here, sent home, destroyed, and then**
15 **they'll check whatever, and then they'll sign it.**

16 **Q Now, Exhibit Number --**

17 I'm going to mark as Exhibit Number 7 this form
18 that says Intake Authorized Property.

19 (Plaintiff's Exhibit 7 marked.)

20 MR. MORRISSEY: **Q Do you see that form?**

21 **A I know the form, yes.**

22 **Q When was that form drafted by the IDOC?**

23 **A That's been acceptable property since Joliet.**

24 **Q How long would that be?**

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1 **A Well, I've been the superintendent for 13 years.**

2 **So it's been the 13 years that I know.**

3 **Q When was this form first put into use at the**
4 **IDOC?**

5 **A That I don't know, sir.**

6 **I do know it's been used for 13 years.**

7 **Q Do you know if this form was ever given to the**
8 **Sheriff of Cook County?**

9 **A I do not know.**

10 **I know that it's labeled in Exhibit Number 1 of**
11 **the authorized property.**

12 **Q Is this form given to inmates at the time they**
13 **come into the IDOC?**

14 **A It's posted everywhere.**

15 **Q So it's posted in the receiving area, correct?**

16 **A Yes, sir.**

17 **Q Now, you mentioned that in August of 2012 there**
18 **was a change in regards to prisoners from Cook County**
19 **Jail actually carrying their personal property in with**
20 **them --**

21 **A Yes.**

22 **Q -- to the IDOC?**

23 Was that at the direction of the IDOC?

24 **A Yes.**

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1 Q How did that occur?

2 A **I was just told by Deputy Director Gomez that**
3 **they're going to start allowing them to bring in small**
4 **sealed plastic bags containing certain items that we're**
5 **responsible for shipping home.**

6 Q Deputy Director Gomez, is he with the IDOC?

7 A **Yes, sir.**

8 Q And is he at Stateville?

9 A **Yes.**

10 **Well, he's in charge of the Northern Region,**
11 **but his office is at Stateville.**

12 Q And there was -- was there a change in regards
13 to the type of property that would be authorized into
14 Cook County -- into the IDOC at that time in August of
15 2012?

16 A **It's not so much a change that they're**
17 **authorized to have, but they were allowed to bring in**
18 **other items that we had to inventory and then send home.**

19 Q So after August of 2012, inmates from the
20 Cook County Jail were allowed to bring in additional
21 items into the IDOC which was more than what was in your
22 Exhibit Number 1, the June 7th, 2005, document?

23 A **Yes.**

24 Q What additional items of personal property other

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1 than what's on Exhibit Number 1 and Exhibit Number 7 are
2 inmates now allowed to bring into the IDOC?

3 **A They bring in their belts, they bring in their**
4 **shoelaces, they bring in some clothing items, they bring**
5 **in keys, they bring in wallets.**

6 **It appears the things that they were arrested**
7 **with is the stuff that they're bringing in.**

8 **Q Do you know if there was any letter sent out to**
9 the Sheriff of Cook County stating the change from
10 June of 2005 as far as what was authorized to be brought
11 to the IDOC by the inmates that were shipped from Cook
12 County to the IDOC?

13 **A I don't follow your question, sir.**

14 **Q Sure. My question is, how is this change in**
15 August of 2012 communicated to the Sheriff of Cook
16 County?

17 **A I don't know, sir.**

18 **But I do know our director and our deputy**
19 **director are from Cook County.**

20 **So I don't know if that was verbal or in**
21 **writing, or I have no knowledge.**

22 **Q Your director is -- his name is?**

23 **A Godinez.**

24 **Q And he used to be the executive director at**

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1 Cook County, correct?

2 **A Correct.**

3 Q And was Deputy Director Gomez also from
4 Cook County?

5 **A Yes.**

6 Q To your knowledge there was no written document
7 however that communicated this change of policy to
8 Cook County?

9 **A Not at my level.**

10 MS. MC CLELLAN: Objection; asked and answered.

11 MR. LOVELLETTE: Can you re-answer that?

12 THE WITNESS: A Not at my level.

13 MR. MORRISSEY: Q Did you make an effort as the
14 designated person under Rule 30(b) (6) to see whether or
15 not there was any documentation in regards to this
16 change in what property could be brought into the IDOC
17 to Cook County?

18 **A I follow my last given direct order, sir.**

19 Q Pardon?

20 **A I follow my last given direct order, sir.**

21 Q My question is, the notice which is Exhibit
22 Number 5, as far as producing documents, do you know if
23 there are any documents that memorialized this change in
24 policy as far as what is accepted into the IDOC from

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1 inmates from Cook County?

2 **A After August of 2012?**

3 **Q Yes.**

4 **A That's above my pay rate.**

5 MR. MORRISSEY: Let's go off the record.

6 (Discussion had off the record.)

7 MR. MORRISSEY: We can go back on the record.

8 **Q After August of 2012, the IDOC was accepting**
9 **an expanded list of authorized properties at the IDOC,**
10 **correct?**

11 MS. MC CLELLAN: Objection; misstates her testimony
12 as to what was on the list.

13 MR. MORRISSEY: **Q You have to answer orally.**

14 **A Yes.**

15 **Q And Exhibit 7 is still the list of items that**
16 **inmates incarcerated at the IDOC are allowed to keep in**
17 **their cells, correct?**

18 **A Yes, sir.**

19 **Q So after August of 2012, when inmates came to**
20 **the prison from the Cook County Jail, they had these**
21 **unauthorized -- what was previously considered**
22 **unauthorized property, belts, shoelaces, keys, wallets,**
23 **I gather, clothing, too?**

24 **A Yes, miscellaneous clothing. It was like tennis**

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1 **shoes.**

2 Q Would they have pants and shirts and items like
3 that after August of 2012?

4 **A Not much.**

5 **The bag is about this big (indicating), and**
6 **it's not expandable more than three inches, and it's**
7 **sealed when we get it so that's -- you know, you can't**
8 **really stick a winter coat in there, and it's limited by**
9 **the size of the bags.**

10 MR. LOVELLETTE: Do you want it put on the record
11 about how big that is?

12 MR. MORRISSEY: Q You're referring to a plastic or
13 a clear bag that's approximately 12 inches by 12 inches?

14 **A Yes.**

15 Q And to your knowledge, even after August of
16 2012, inmates were not bringing their winter coats,
17 pants, shirts, items of that sort when they left the
18 jail to the IDOC, correct?

19 **A Correct.**

20 Q When they brought the plastic bags after August
21 of 2012 to the IDOC, during processing in the receiving
22 room, did they still -- do the correctional officers
23 still follow the same protocol in having the new
24 prisoner come up to a property table?

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1 **A Yes.**

2 Now, since the bags list the offenders' names,
3 when they come in the door, we take all the bags, and we
4 place them in property, and when the offender comes to
5 the property table, he'll tell the correctional officer
6 he has a bag, the correctional officer will go find his
7 bag, bring it to him, unseal it, break it open in front
8 of him, and then they will go by what he can and can't
9 have.

10 Q Okay. And does the form still remain the same
11 in regards to what is authorized and unauthorized as far
12 as the receipt that prisoners fill out?

13 **A The authorized property is the same.**

14 MR. MORRISSEY: We can go off the record.

15 (Discussion had off the record.)

16 MR. MORRISSEY: Q Looking at Exhibit Number 6,
17 after August of 2012, if an inmate brings this plastic
18 envelope into the IDOC with, let's say, his keys and his
19 wallet and his other items, would those items be listed
20 as unauthorized property?

21 **A Yes.**

22 Q On the inventory sheet, correct?

23 **A Correct.**

24 Q And then, at the option of the prisoner, they

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1 either have the option of sending it home or to a
2 relative or having it disposed of by the state?

3 **A Yes, sir.**

4 Q Now, going back a bit, are you familiar with the
5 Administrative Code for Corrections, Criminal Justice
6 and Law Enforcement?

7 **A Not right off, no.**

8 **(Plaintiff's Exhibit 3 marked.)**

9 MR. MORRISSEY: Q Well, I'm showing you a document
10 that's labeled Exhibit Number 3. It's an Administrative
11 Code 535 -- Section 535.80.

12 MS. MC CLELLAN: Do you mind showing it to everyone?

13 MR. MORRISSEY: Sure.

14 (Indicating.)

15 MR. MORRISSEY: You don't have a copy?

16 MS. MC CLELLAN: I don't.

17 MR. MORRISSEY: Q Looking at Exhibit Number 3, A
18 says, all sheriffs shall be supplied with a list of
19 approved personal property items.

20 And that was the case back in June and August
21 of 2005, correct?

22 **A Correct.**

23 Q Under 1 it says, non-approved items shall be
24 received and returned to the sheriff prior to his

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1 departure from the facility.

2 To the best of your recollection, from 2005 to
3 the present, have sheriffs of Cook County received a
4 receipt from the IDOC when unauthorized property is
5 attempted to be brought into the jail for inmates
6 shipped from Cook County to the IDOC?

7 MR. LOVELLETTE: I'm going to make an objection.

8 The question is not complete, number one, of Exhibit 3.

9 MR. MORRISSEY: I'll read the entire thing.

10 Q Exhibit 3, if you look at a, it says,
11 non-approved items shall be received and returned to
12 the sheriff prior to his departure from the facility
13 when possible.

14 To your knowledge was that practice ever
15 followed after June or August of 2005 --

16 MR. LOVELLETTE: Objection to the form of the
17 question --

18 MR. MORRISSEY: Q -- by the IDOC?

19 MR. LOVELLETTE: -- form of the question.

20 Go ahead and answer.

21 THE WITNESS: A I don't recall ever sending any
22 property back to any county or any sheriff because
23 they're already gone before we even get into
24 inventorying their property.

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1 MR. MORRISSEY: Q To your knowledge, since 2005 to
2 the present, do you have any -- have you ever had a
3 conversation with a prisoner on the new to the IDOC
4 concerning personal property and clothing that remained
5 at the Cook County Jail after they were shipped to the
6 IDOC?

7 MS. MC CLELLAN: What was the question?

8 (Question read.)

12 IDOC has nothing really to do with the items
13 that he has in Cook County.

14 MR. MORRISSEY: Q As the superintendent in
15 receiving and classification, has Cook County provided
16 you with any information in regards to how their former
17 inmates that are shipped to the IDOC can reclaim either
18 the clothing or personal property that remained at the
19 jail after they were shipped?

20 | A No.

21 Q Has Cook County Jail or the sheriff's office
22 provided you with any written documentation to provide
23 to prisoners in regards to property that was not shipped
24 to the IDOC for inmates that left the Cook County Jail?

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1 **A No.**

2 Q Is there any notice or document within the
3 receiving room of the IDOC advising Cook County
4 prisoners how they should reclaim their personal
5 property and/or clothing that was not shipped with them
6 to the IDOC?

7 **A No.**

8 **Once we receive the offender, they're IDOC**
9 **offenders and no longer Cook County offenders.**

10 **We tell them about our rules. We assume**
11 **Cook County would have told them about their rules.**

12 Q So would it be a fair statement to say that the
13 IDOC does not have any responsibility to inform former
14 Cook County prisoners in regards to how they would
15 proceed to reclaim their personal property or clothing
16 that remained at Cook County Jail after they were
17 shipped?

18 **A We receive offenders from 27 different counties.**

19 **We would have no knowledge of all their**
20 **procedures for personal property. We're only aware of**
21 **our procedures of personal property, and that's what we**
22 **abide by.**

23 **How would you know?**

24 Q So in regards to Cook County, correctional

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1 officers and staff within the IDOC are not advised in
2 regards to how former Cook County prisoners can go about
3 reclaiming their personal property and clothing?

4 **A I wouldn't think it's our responsibility.**

5 Q I'm showing you a document that I'm marking as
6 Plaintiff's Exhibit Number 8.

7 It's a form from the Cook County Department of
8 Corrections.

9 Have you ever seen that form before?

10 Take a moment to take a look at it.

11 (Plaintiff's Exhibit 8 marked.)

12 THE WITNESS: A No.

13 But the offender may have the form because they
14 have miscellaneous forms from the Cook County
15 Department.

16 So he may have it, but we do not give it to
17 him, no.

18 MR. MORRISSEY: Q All right.

19 Are there social workers within the IDOC?

20 **A Yes.**

21 Q Do you know if social workers of the IDOC have
22 the form which is marked Exhibit 8?

23 **A Well, IDOC counselors would more be the ones
24 that would actually be concerned with property issues.**

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Social workers and mental health providers will be more concerned with their mental health.

Reflecting on a correctional counselor, would they have this documentation? No.

Q And you're not aware of whether or not that program services has been provided copies of Exhibit 8 by the Cook County Sheriff?

A No.

MR. MORRISSEY: I have nothing else.

Thank you.

THE WITNESS: Thank you.

MS. MC CLELLAN: I have a couple questions.

THE WITNESS: Yes, ma'am.

EXAMINATION

by Ms. McClellan:

MS. MC CLELLAN: Q I'd like to direct your attention back to Exhibit Number 3.

A Yes, ma'am.

Q And counsel asked you about Section 535.80, Procedure for New Admissions, and he only referenced Subsection a, Number 1.

I'd like to direct your attention to Number 1, but I'd like to ask you what is the word that is at the very end of that after the colon?

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1 **A When possible; or.**

2 **Q When possible; or.**

3 And Number 2 says, the committed person shall
4 be requested to authorize the disposition of any
5 unapproved property in writing in accordance with
6 20 Ill. Adm. Code 501.230.

7 Is it your understanding that the document,
8 that IDOC Exhibit Number 6, whereby the witness
9 authorizes you to destroy that property is -- or
10 unauthorized property is in conjunction with this
11 administrative code?

12 **A Yes, it is.**

13 MR. LOVELLETTE: In your last question, when you
14 said the witness authorizes the destruction, did you
15 mean the offender?

16 MS. MC CLELLAN: I'm sorry, offender, yes.

17 Or after it says witness, I was reading the
18 word witness. I apologize. It's the offender. For
19 clarification the offender would.

20 Q But they also would have had the
21 opportunity -- the same offender on this form would have
22 also had the opportunity to send it home, correct?

23 **A Correct.**

24 Q And you indicated previously that they can ship

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1 it via UPS?

2 **A Yes.**

3 Q If somebody were to come in and they don't have
4 enough money in their commissary at the time that they
5 transfer, are they able to get the voucher, and then
6 once they make money while they're here have it deducted
7 and still have it shipped home?

8 **A That's the best case scenario.**

9 **What often happens is, the offender will parole**
10 **and he won't have the money, and then the state assumes**
11 **responsibility and costs.**

12 Q But you guys do that, right?

13 **A Yes.**

14 Q You allow the offenders to have a voucher --

15 **A Right.**

16 Q -- so that they can ship it home?

17 **A Yes.**

18 Q Then you eat those costs when they do get out?

19 **A Yes.**

20 Q So if you had an offender come in and they had
21 these unauthorized items, you would allow them to ship
22 it home if that was their so desire and allow them to
23 fill out a voucher?

24 **A Yes.**

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1 Q Counsel asked you about Cook County Department
2 of Corrections forms.

3 As an IDOC employee, have you ever passed out
4 any other county's forms?

5 **A No.**

6 Q Would you be authorized to maintain someone
7 else's forms?

8 **A No.**

9 Q And I know counsel kept referring to Cook County
10 detainees, but IDOC doesn't have special rules that
11 apply just to Cook County detainees, do they?

12 **A No.**

13 Q In fact, the rules of IDOC apply to the entire
14 prison system, is that correct?

15 **A I know the Northern Region, yes, ma'am.**

16 Q As far as the Northern Region, it applies?

17 **A Yes, ma'am.**

18 Q And that would be your understanding as to all
19 of the rules as set forth by the IDOC, correct?

20 **A Correct. Yes, ma'am.**

21 Q If an offender came in and had a complaint about
22 something from Cook County Department of Corrections,
23 you would not be part of the grievance process as to
24 what issues he had with Cook County, would you?

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1 **A No.**

2 Q Nor would you have it with any other sheriff's
3 department, correct?

4 **A No.**

5 MR. LOVELLETTE: I'm sorry.

6 You answered no.

7 Her question was, was her question correct.

8 THE WITNESS: A Yes.

9 MS. MC CLELLAN: Sorry. Double negative.

10 Q I know that you indicated that, from 2005 up
11 until 2008, the inmates or the offenders would come into
12 IDOC -- and, I'm sorry, that's a different word for
13 me -- the offenders came into IDOC and they had
14 authorized property and it was identified here on
15 Exhibit Number 2 -- or is it 7 -- Exhibit 7 even
16 though -- I guess my question is, these are the same
17 authorized properties that are identified in the letter
18 where -- the June 2005 letter -- actually, it's the
19 August 19, 2005, letter that is Exhibit 2, and it says,
20 our director has sent out a letter on June 7th, 2005, to
21 each County Sheriff advising them of acceptable personal
22 property (see attached).

23 So this 2005 letter of August attached a copy
24 of the June 7th, 2005, letter and identified these items

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1 that are on this exhibit, correct?

2 | A **Correct.**

3 MR. LOVELLETTE: By this exhibit, you mean
4 Exhibit 7?

5 MS. MC CLELLAN: Exhibit 7, yes.

6 Q And so IDOC since June of 2005 has not
7 allowed in anything to the jail into their cells other
8 than what's identified on Exhibit Number 7?

9 | A **Correct.**

10 Q Just for clarification, I just want to make
11 sure, you have no knowledge of what an offender is told
12 prior to being shipped to IDOC as it pertains to their
13 property?

14 A I have no knowledge, no.

15 MS. MC CLELLAN: That's all I have.

16 MR. MORRISSEY: A follow-up.

17 FURTHER EXAMINATION

18 | by Mr. Morrissey:

19 MR. MORRISSEY: Q Has the Sheriff of Cook County or
20 the Cook County Jail ever contacted to your knowledge
21 the IDOC to facilitate returning property that they held
22 for inmates that now are in the IDOC?

23 Do you understand the question?

24 | A No.

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1 Q I'll rephrase the question.

2 To your knowledge has the Sheriff of Cook
3 County ever contacted prisoners within the IDOC to alert
4 them in regards to personal property and clothing that
5 the Cook County Jail still held for them?

6 **A I have no knowledge.**

7 Q To your knowledge has the Cook County Jail or
8 the Sheriff of Cook County ever contacted administrators
9 within the IDOC to alert them to the fact that they were
10 holding personal property and clothing of inmates that
11 are now incarcerated within the IDOC?

12 **A I have no knowledge of conversations between the
13 administrations of Cook County and IDOC.**

14 **I just personally know I have not received any
15 communications.**

16 MR. MORRISSEY: Okay. I have nothing further.

17 MS. MC CLELLAN: No more.

18 MR. LOVELLETTE: We're going to reserve, but we're
19 not going to order.

20

21

22

23

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1 The undersigned is not interested in the within
2 case, nor of kin or counsel to any of the parties.

3 Witness my official signature and seal as

4 Notary Public in and for Cook County, Illinois on this
5 19th day of June A.D. 2013.

ROBBIN M. OCHENKOWSKI, C.S.R.
License No. 084-002522
Notary Public