

Exhibit A
Plaintiffs' Status Report

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

#LETUSBREATHE COLLECTIVE, et al.)	
)	
Plaintiffs,)	Case No. 2020CH04654
v.)	
)	Hon. Judge Neil H. Cohen
CITY OF CHICAGO,)	
Defendant.)	

**PLAINTIFFS' STATUS REPORT ON THE
IMPLEMENTATION OF THE CONSENT DECREE**

The Consent Decree entered over a year ago in this case holds the promise of ending Chicago’s dark history of incommunicado detention. It protects the rights of individuals in the custody of the Chicago Police Department (CPD) to consult with lawyers and make phone calls to counsel or loved ones, rights that were infringed for years by CPD.

These rights are vital. They provide access to legal counsel at times when people are most vulnerable to interrogation and in need of advice on their legal rights and responsibilities. They protect people from police abuse, coercive interrogations, false confessions, and wrongful convictions. They allow people in custody to make necessary arrangements to ensure that their children are looked after or their employer is made aware of an absence. They allow people in custody to let their loved ones know where they are.

Yet, CPD data reveals that since the Decree went into effect, significant numbers of people in CPD custody are still not accessing counsel or phones. Only a tiny percentage of people in CPD’s custody have consulted with a lawyer: Just 1.0% of persons arrested by CPD ever consulted counsel while in CPD custody and only 0.2% did so within three hours of their detention. Exhibit 1, Expert Report of Professor Kyle Rozema at 1.¹ Despite their desperate need for assistance, only

¹Plaintiffs have worked with a data expert—Kyle Rozema, a Professor of Law and empiricist at Northwestern University Pritzker School of Law who specializes in Quantitative Methods—to analyze CPD

1.5% of the people facing the most serious charges (and at risk of serving decades in prison) consulted a lawyer within three hours and only 8.8% *ever* did so while in CPD custody. *Id.* at 2.

Rates of custodial phone calls also raise serious concerns. Only 49.7% of the people in custody on serious charges and vulnerable to interrogation made a phone call within three hours of custody. *Id.*

These numbers show that something is seriously wrong.

Recognizing the Court's investment in the success of this Decree, Plaintiffs seek leave to file a Status Report to apprise the Court of progress and concerns that have arisen during the first year of the implementation of the Decree. Plaintiffs also ask the Court to set a schedule for future status hearings. Plaintiffs hope that, with the Court's assistance and oversight, the parties can determine why people are not accessing lawyers or phones and resolve the underlying issues. Ongoing Court oversight and regular status hearings are critical to the ultimate success of this Decree.²

I. Background

Plaintiffs filed this suit in 2020 to redress Chicago's longstanding practice of holding people incommunicado in police custody, including by denying people access to counsel and phone calls. Among other tactics, CPD regularly failed to inform people in custody of their rights to counsel and to a telephone, prohibited them outright from consulting with lawyers and making calls, misled lawyers and family members about the location of people in custody, and conditioned people's access to lawyers and phones on the waiver of their constitutional and civil rights. Compl.

¶ 3.

arrest data and identify trends in access to counsel and phones. Professor Rozema's Report of his analyses and corresponding Figures and Tables of CPD arrest data from February 2023 through March 2024 is attached as Exhibit 1 to this Status Report.

² Jamie Kalven, *Chicago Could be a Model for the Future of Miranda Rights*, The Atlantic, Sep. 30, 2022, available at <https://www.theatlantic.com/ideas/archive/2022/09/chicago-consent-decree-miranda-rights-model/671610/>.

The consequences of this practice were severe. Scores of individuals—mostly Black men—were kept away from their lawyers and tortured by officers under the command of the notorious former Chicago Police Commander, Jon Burge.³ Thousands of individuals were “disappeared” to the “off the books interrogation warehouse” at Homan Square.⁴ Others—predominantly Black and Brown youth—were subjected to uncounseled and coercive interrogations that yielded false confessions and wrongful convictions, helping the City earn the epithet, “The False Confession Capital of the United States.”⁵ And everyone in CPD custody was at risk of losing their constitutional rights to counsel and to remain silent. *See Miranda v. Arizona*, 384 US 436 (1966).

The Consent Decree (attached as Exhibit 2⁶), implemented in February 2023, guarantees and makes enforceable statutory rights of persons in custody under 725 ILCS 5/103-3.5 and 103-4, including the right to:

- Communicate with an attorney and loved ones as soon as possible upon being taken into custody, but no later than within three hours of arrival at a police station or other place of detention;
- Be provided with a phone free of charge and be given the opportunity to make at least three phone calls within the first three hours of custody; and

³ Sam Charles, *New ‘Chicago Police Torture Archive’ Details Acts of Jon Burge and Underlings* (Feb. 3, 2021), <https://chicago.suntimes.com/2021/2/3/22263444/new-chicago-police-torture-archive-details-acts-of-jon-burge-and-underlings>.

⁴ 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>.

⁵ Whet Moser, *Chicago: ‘The False Confession Capital of the United States,’* *Chicago Magazine* (Dec. 10, 2012), <https://www.chicagogmag.com/city-life/december-2012/december-2012-1chicago-the-false-confession-capital-of-the-united-states/>; *Chicago: The False Confession Capital*, CBS News 60 Minutes (Dec. 19, 2012), www.cbsnews.com/news/chicago-the-false-confession-capital/.

⁶ On September 28, 2022, the Court entered an Order approving the parties’ First Amendment to the Settlement Agreement, which pushed back the Implementation Date to February 1, 2023. The Order incorporated two exhibits: (1) the original Settlement Agreement dated June 16, 2022 and (2) the First Amendment to the Settlement Agreement dated September 26, 2022. Plaintiffs attach the Order of the Court and exhibits collectively as Exhibit 2, Consent Decree.

- Communicate with an attorney alone and in private, by phone and in person, in CPD stations and any other place where the person is being detained, and in such a way that CPD may not attempt to overhear, monitor, or eavesdrop on these communications.

The Consent Decree also requires CPD to install and maintain private attorney consultation rooms with phones in every police facility, and phones in every interrogation and interview room in each detective area facility. Consent Decree at Ex. 1, ¶ 3(e). It mandates that CPD post know-your-rights signs “prominently” where people in custody are taken or processed, including in every interrogation room. *Id.* ¶ 3(c). These signs must inform people of their right to consult with a lawyer and make phone calls and include the phone number of the Cook County Public Defender’s 24-hour arrest hotline, through which people can obtain free representation while in custody. *Id.*

The Decree also ensures that Plaintiffs can monitor and enforce its provisions. *See generally id.* ¶ 8. CPD must furnish certain data to Plaintiffs about “every arrest” on a monthly basis, including: whether the person in custody requested a legal consultation, whether CPD provided the person with the opportunity to consult with a lawyer, the timing of the consultation, and information about the arrested person, the facilities in which they were held, and the charges for which they were arrested. *Id.* ¶ 5(c). The Decree also authorizes Plaintiffs to inspect CPD facilities (after giving the City 14 days of advance notice), request fifty arrest records each month, and bring motions to enforce the consent decree. *Id.* ¶¶ 3(h), 8(b), (c). The Decree reserves for this Court the authority to supervise its enforcement. *Id.* ¶ 8(c).

II. Overview of Plaintiffs’ Monitoring Activities

The Consent Decree’s implementation period began on February 1, 2023. Ex. 2, Consent Decree at ¶ 3 and Ex. 2, ¶ 2 to Consent Decree. Since March 2023, CPD has sent Plaintiffs monthly batches of arrest data. Plaintiffs have separately obtained, via a series of FOIA requests, monthly data from CPD of phone calls made by persons in CPD custody. Plaintiffs have also exercised their rights under the Consent Decree to request samples of CPD arrest reports and inspect CPD

facilities, visiting the 11th District in May 2023, Area 2 in June 2023, and Area 5 in October 2023. In addition, Plaintiffs have made presentations about the Decree to members of the bar and community organizations, and elicited feedback from the Office of the Cook County Public Defender (one of the plaintiffs in this case) and private attorneys about their ability to access and communicate privately with clients in CPD custody. Working with the Public Defender, Plaintiffs are now in the process of implementing a confidential survey of persons arrested by CPD about access to phones and counsel.

III. Status of Implementation of the Consent Decree

A. CPD Arrest Data Shows that Few People in CPD Custody—Even Those Facing the Most Serious Charges—Access Lawyers

Expert analysis of CPD’s own arrest data reveals that only a tiny percentage of persons in CPD custody consult a lawyer and that virtually no one does so within three hours of arrest. From February 2023 through March 2024, more than 50,000 people did not access a lawyer at any time while they were in CPD custody—either by phone or in person. Ex. 1, Rozema Report, Table 1. Specifically, out of 53,328 people arrested and taken into custody by CPD, only 1.0% ever consulted a lawyer at any point during their entire time in CPD custody. *Id.* at 5 and Table 1. Worse, only 0.2% of all arrestees consulted a lawyer within three hours despite their right to do so under the Consent Decree and Illinois SAFE-T Act. *Id.*

Individuals who face the most serious charges, and thus the greatest risk of police interrogation, consult lawyers at alarmingly low rates. This is true even though these individuals stand to lose the most from uncounseled interrogations and have the greatest motivation to speak with a lawyer if given the opportunity. *See First Def. Legal Aid v. City of Chicago*, 225 F. Supp. 2d 870, 892 (N.D. Ill. 2002), *rev’d on other grounds*, 319 F.3d 967 (7th Cir. 2003) (explaining that persons “at risk of becoming suspects” in the “inherently intimidating environment” of the police

station “have every right to consult a lawyer, plus a strong interest, given their circumstances, in doing so”).

This chart summarizes:

Table 2: Lawyer and Phone Access (Rate), by Charge

Arrest Charge	No Consult		No Call	
	3 Hours	Ever	3 Hours	Ever
A. Charges with Interrogation				
Armed Robbery	99.1	93.7	55.7	41.3
Arson	100.0	95.7	59.6	51.1
Child Abuse/Kidnap	100.0	90.0	50.0	30.0
Murder/Attempt Murder	98.2	87.1	48.3	26.1
Sex Offense	97.9	91.0	47.6	40.3
Vehicular Hijacking	100.0	97.9	53.2	29.8
<i>All Charges Subject to Interrogation</i>	98.5	91.2	50.3	36.0

As Table 2 of Professor Rozema’s Report shows, 98.5% of the people in CPD custody arrested for murder, attempted murder, sex offenses, arson, armed robbery, vehicular hijacking, kidnapping, or child abuse (collectively “Charges subject to Interrogation”)⁷ and who are most vulnerable to CPD interrogation do not access a lawyer within three hours of being taken into custody. 91.2% of the people at the greatest risk of interrogation and long prison sentences *never* access a lawyer at any point while in CPD custody. Indeed, only 1.8% of the people arrested for murder or attempted murder access a lawyer within three hours of CPD custody.

⁷ Plaintiffs’ Counsel asked Professor Rozema to analyze CPD data on attorney and phone access for the above-listed crimes (collectively referred to as “Charges Subject to Interrogation”) because CPD investigations of these cases are typically led by CPD Detectives, who utilize interrogations and interviews as standard components of their investigations. See City of Chicago, Title Code 9165 – Police Officer Assigned As Detective, October, 2023, available at [https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/JobSpecifications/PublicSafetyServices/9100_PoliceGeneralDutySeries/9165_POLICE_OFFICER\(ASSIGNED%20AS%20DETECTIVE\)_oct2023.pdf](https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/JobSpecifications/PublicSafetyServices/9100_PoliceGeneralDutySeries/9165_POLICE_OFFICER(ASSIGNED%20AS%20DETECTIVE)_oct2023.pdf) (describing detectives’ investigative and interviewing duties for violent crimes, property crimes, and crimes committed against special victims); see also Chicago Police Department Special OrderS04-03-01, Digital Recording of Interrogations, January 1, 2017, available at <https://directives.chicagopolice.org/#directive/public/6691> (listing the offenses for which digital recording of custodial interrogations is *required* by Public Act 099-0882 of the State of Illinois).

Rates of consultation are also alarming low—essentially nil—for people facing charges of assaulting, battering, resisting and obstructing officers, which are charges officers may apply to cover up their own abuse.⁸ In these cases of “cover” charges, only 0.4% of people in custody access counsel within 3 hours, while 98.4% *never* access a lawyer at any point that they are in CPD custody. Ex. 1, Rozema Report, Table 2.

Based on these low rates of attorney access, Plaintiffs have deep concerns about whether the Decree is being followed. It is difficult to believe that so many people in severe jeopardy would not seek assistance of counsel if given a prompt and meaningful opportunity to do so. And it is impossible to believe that virtually *everyone* in those circumstances would knowingly and voluntarily decline such assistance.

B. CPD Data Shows Thousands of People in CPD Custody Do Not Make Phone Calls

CPD data also shows troubling trends in phone call rates. Both state law and the Consent Decree require CPD to provide people in custody with the opportunity to make at least three phone calls as soon as possible and no later than within three hours of their arrival in custody, free of charge, 725 ILCS 5/103-3.5 (incorporated into Consent Decree, Ex. 2 at ¶ 3(b)). Yet, a sizable number of people in CPD custody are not making a single phone call, in the three-hour window or at all. From February 2023 to March 2024, 25,057 people in CPD custody never made a call within the first three hours of custody. Ex. 1, Rozema Report, Table 1. As Professor Rozema documents, 50.3% of the people in custody arrested for Charges Subject to Interrogation, including murder, did not make any calls within three hours, and 36.0% of people in custody for Charges Subject to Interrogation never made a single call at any point while they were in CPD custody. The phone

⁸ Jonah Newman, *Chicago Police Use ‘Cover Charges’ to Justify Excessive Force*, Chicago Reporter, Oct. 23, 2018, available at <https://www.chicagoreporter.com/chicago-police-use-cover-charges-to-justify-excessive-force/> (finding a troubling pattern of Chicago police officers charging people they have assaulted with aggravated battery to a police officer, aggravated assault on a police officer, and resisting arrest).

call data is especially troubling given that the Public Defender maintains a hotline number for the sole purpose of connecting people in custody with an attorney, any time, free of charge.

Table 1 below summarizes attorney and phone access of people in CPD custody between February 2023 and March 2024:

Table 1: Lawyer and Phone Access for Persons Arrested by CPD, February 2023 - March 2024 Charges

	All	High Risk	Interr-ogation	Police-Related
A. Rate without Access				
No Lawyer Consultation				
Within 3 Hours	99.8	99.0	98.5	99.6
Ever	99.0	94.3	91.2	98.4
No Phone Call				
Within 3 Hours	47.0	52.1	50.3	54.4
Ever	41.1	37.9	36.0	40.4
B. Persons without Access				
Number of Arrests	53328	2795	1593	1202
No Lawyer Consultation				
Within 3 Hours	53203	2766	1569	1197
Ever	52793	2636	1453	1183
No Phone Call				
Within 3 Hours	25057	1456	802	654
Ever	21915	1059	573	486

Further, the low rates of both attorney and phone call access are not limited to specific CPD Area Stations.⁹ Professor Rozema’s analysis shows that rates of attorney consultation and phone usage are low across all five Chicago Police Area Headquarters, indicating that the barriers to access are

⁹ While rates of access to counsel and phone calls are abysmal across City police stations, some stations are worse than others. For instance, the rate of access to counsel is lowest in Area 1 and the rate of access to phone calls is lowest in Area 4. See Ex. 1, Rozema Report, Figure A2: Lawyer and Phone Access After Arrest for Charges Subject to Interrogation by Police Station.

systematic across the City. *See* Ex. 1, Rozema Report, Figure A2: Lawyer and Phone Access After Arrest for Charges Subject to Interrogation by Police Station.

C. Plaintiffs' Efforts to Work Collaboratively with the City to Diagnose the Causes of the Lack of Attorney and Phone Access and to Identify Remedies

Early this year, Plaintiffs shared the results of Professor Rozema's analysis with the City and sought to work cooperatively to better understand why so many of the people most vulnerable to interrogation and abuse do not access counsel or phones and to offer potential solutions. Van Brunt Letter to CPD, 2/15/24 (Exhibit 3) (under seal).¹⁰ The exceptionally low rates of attorney consultations and phone calls by people in CPD custody raise questions about whether CPD is promptly informing people of their rights and providing access to the Public Defender hotline and phones so that they can exercise them—questions that CPD is best situated to answer. Accordingly, Plaintiffs proposed the following to the City:

First, Plaintiffs suggested that CPD revise its policies to require arresting officers to promptly inform people in their custody of their right to phone calls. *Id.*

Second, inspired by a suggestion made by the Court, Plaintiffs recommended that CPD videotape interactions with people in custody using body-worn cameras. Such footage would capture every time CPD offers a call and lawyer consult to people in custody. It would also record people's requests for such access, as well as their responses to any offers made by CPD. Video would allow the parties and the Court to assess whether Chicago police officers and detectives are actually providing people in custody with prompt access to a phone/lawyer and understand why so many people in CPD custody are not in fact accessing phones or counsel. As this Court recognized when the parties first submitted the proposed Consent Decree for approval, videotaping

¹⁰ *See* Pls' Motion for Leave to File Under Seal.

these post-arrest interactions would both ensure that CPD officers promptly offer people in custody access to a phone and protect CPD against false claims to the contrary.¹¹

CPD rejected Plaintiffs' proposals. It has not offered an alternative method to assess why so few people arrested for serious crimes (and thus most at risk of interrogation) do not access phones or counsel. *See* Skelly Response to Plaintiffs' Letter, 3/7/24 (Exhibit 4) (under seal); Van Brunt Reply, 3/18/24 (Exhibit 5) (under seal).

D. Plaintiffs' Concerns Regarding Signage and Privacy

Plaintiffs' monitoring efforts revealed other issues with CPD's compliance with the Decree—in particular, with signs—that could help explain why rates of consultations and calls are so low. Plaintiffs also identified additional problems with the privacy and confidentiality of attorney/client consultations in CPD stations. The parties are considering several ways to address the concerns.

Signs

Plaintiffs have observed shortcomings in CPD's compliance with the Decree provisions requiring it to post signage informing people in custody of the Public Defender's free hotline number and their rights to make at least three phone calls within three hours. Paragraph 3(c) of the Consent Decree and 725 ILCS 5/103-3.5 require CPD to post the required signage "prominently" and in "conspicuous place[s]" in "locations that an Arrestee or Person in Custody has access to." But attorneys in the Public Defender's Office who attempt to visit clients in CPD custody report that they do not see the required signs posted in stations throughout the City. Across CPD stations, the required signs are generally absent in the lobbies of the stations and in the lock-ups in which

¹¹Videotaping interactions with persons in CPD custody is also consistent with Illinois law, which requires Chicago police officers to wear body-worn cameras and activate them when "engaged in any law enforcement-related encounter or activity." Law Enforcement Officer Body-Worn Camera Act 50 ILCS 706/10-20(a)(3). Interacting with people under arrest is clearly a law enforcement-related activity. *See* 50 ILCS 706/10-10 (providing a non-exclusive list of examples of law enforcement-related activities, which include interactions related to arrests, interrogations, and investigations).

people in custody are held. Public Defenders report that even when they see the required signs in other languages, signs in English are frequently absent. In addition, CPD has printed most of the signs on standard 8 ½ x 11 letter-sized paper, and sometimes in four languages on a single 8 ½ x 11 sheet. The crowded wording and tiny size make the signs too small and difficult for people in custody to read. For example, attorneys in the Public Defender’s Office have observed that it is impossible to read signs posted in CPD interrogation rooms from the benches and handcuff rings where people in custody are detained.

Plaintiffs’ inspections confirmed the Public Defender’s observations. In 2023, Plaintiffs’ Counsel inspected CPD stations for Area 2 and Area 5 as well as the 11th District station. For each inspection, CPD had 14 or more days to prepare for Counsels’ visit, per the terms of the Consent Decree. It appeared to Plaintiffs’ Counsel that signs had recently been printed and taped in anticipation of their inspection. Fresh paper and tape on the relevant signs stood in stark contrast to other well-worn signs in the stations. And just as attorneys in the Public Defender’s Office had reported, many of the signs were too small to read from the benches on which people in custody were held. The signs were posted across the room from where people in custody are detained and were illegible from that distance. Plaintiffs’ Counsel observed similar issues in Area 2 and the 11th District.¹² Plaintiffs request leave of Court to attach representative photos and video of the signs inside various interrogation rooms in Area 5 under seal.¹³ *See* Exhibits 6-12 (under seal).

¹² Plaintiffs’ Counsel also observed that CPD failed to install any permanent phones inside any of the interrogation rooms in the Detective Areas, as required paragraph 3(e) of the Consent Decree. CPD representatives explained that it will provide people in custody with access to a cell phone upon request. The absence of a phone inside CPD interrogation rooms may contribute to the troubling rates of phone access in cases in which people in custody are at risk of interrogation. This issue requires further investigation.

¹³ Photographs and video of Plaintiffs’ inspections of CPD facilities are treated as confidential under the Decree and may not be published except for purposes of this litigation. Ex. 2, Consent Decree at Ex. 1, ¶ 5(d).

To address these issues, the Public Defender developed a more legible sign that provides the information required by 725 ILCS 5/103-3.5 and the Consent Decree, as well as by 725 ILCS 5/103-2. *See* Exhibit 13. The Public Defender offered to assume the costs of producing, laminating, and replenishing the signs for posting throughout facilities where persons in custody are taken by CPD, as required by Paragraph 3(c) of the Consent Decree. *See* Van Brunt letter to CPD, 2/15/2024 (Exhibit 3) (under seal). CPD rejected the offer.

Plaintiffs then requested that the CPD enlarge and laminate the signs, affix them to the wall in a more permanent manner, and ensure that the signs are prominently displayed where people in custody are taken, including placing signs closer to where people in custody are held in interrogation rooms so that they are legible. Emails between Counsel from March 29 to April 17, 2024 (Exhibit 14) (under seal). The City is considering the requests, and Plaintiffs await its response.

Privacy

Paragraphs 3(d) and (e) of the Consent Decree require CPD to provide “Onsite Visitation Areas” for attorneys and their clients to meet alone and in “private” without CPD “overhear[ing]” their conversations. However, CPD’s configuration of the rooms is causing routine violations of these requirements. Attorneys in the Public Defender’s Office report that CPD has erected a plexiglass barrier between people in custody and their attorneys in each of the visiting rooms. The barrier prevents people in custody and their attorneys from having private conversations, as they must raise their voices to a near-shout in order to communicate with one another. Anyone standing outside the room can easily overhear conversations between people in custody and their attorneys, even with the door closed. Assistant Public Defenders have complained of repeated instances in which members of the CPD have “listened in” on their conversations with their clients.

Plaintiffs' inspection of CPD's designated "Onsite Visiting Area" in the 11th District confirmed the Public Defender's complaints. It was impossible for an attorney sitting on the other side of the plexiglass barrier to hear a client speaking to them at a normal conversational volume. However, a police officer standing outside the visiting room with the door closed can easily hear a person on the same side of the plexiglass barrier speaking in a normal voice. Plaintiffs' Counsel also observed that the door to the room did not appear to muffle voices from inside the room.

To illustrate these issues to the Court, Plaintiffs seek leave to file under seal a photograph of the Visiting Area in the 11th District that depicts the plexiglass barrier between the attorney and client in the 11th District. *See Exhibit 15 (under seal)*. They also seek leave to file under seal a video taken inside the visiting room that demonstrates the inability of lawyers and clients to communicate with one another in a normal-volumed voice and a video taken outside the room that demonstrates the inability of people in custody and their lawyers to have confidential and private attorney/client communications. *See Exhibits 16 and 17 (under seal)*.

To remedy these issues, Plaintiffs requested that CPD remove the plexiglass barriers in the rooms and assess whether private and confidential conversations between attorneys and their clients would then be possible. CPD rejected Plaintiffs' request to remove the plexiglass barriers.

Plaintiffs then requested that CPD conduct inspections of all onsite visitation areas and ensure that each facility provides an appropriate meeting space in in which people in custody can have private and confidential conversations with their attorneys, as required by the Consent Decree. Ex. 14, Email correspondence between Van Brunt and Skelly (under seal). Plaintiffs await CPD's response.

E. Public Defenders Report Ongoing Challenges When Attempting to Visit Clients in CPD Custody.

Since the Consent Decree was entered, attorneys in the Public Defender's Office who respond to hotline calls have reported progress in their ability to see and speak with clients in

many of the District stations. However, attorneys continue to report issues locating and gaining prompt access to their clients when they are in the custody of and being interrogated by CPD detectives at the five Area stations, which are located on the second floor of certain District stations. Attorneys attempting to locate their clients at Area stations continue to be rebuffed by CPD. Detectives routinely fail to inform Central Booking or District personnel when they take people in custody into Area facilities for questioning. Attorneys in the Public Defender's Office have reported that in some instances, members of CPD have affirmatively misled them about the location of clients when they are being detained or questioned by detectives. CPD appears to have procedures in place for tracking and documenting the location of people after they are booked and detained in CPD lock-up. However, CPD's procedures for tracking and documenting people in custody *before* they arrive in lock-up—the time when they are most vulnerable to interrogation—are inadequate or are not being followed by CPD Detectives. *See* Van Brunt letter to CPD 2/15/2024 (Exhibit 3) (under seal) (reporting recent incidents in which CPD misled public defenders about the location of clients who were being held by detectives in Areas 1 and 4).

CONCLUSION

Plaintiffs, the City of Chicago, and the Court are deeply invested in the success of the Consent Decree. Just as the parties would not have reached this historic Decree without the oversight of this Court, ongoing Court involvement is critical to making real the legal guarantees of access to counsel and phones in Chicago. The Court's continued engagement in a collaborative approach could obviate the need for a costly, formal enforcement action and enhance the parties' chances of success.

Accordingly, Plaintiffs respectfully request leave to file this Status Report to apprise the Court of progress and challenges to date, explore ways to assess why thousands of vulnerable

people in CPD custody have not accessed counsel or phones, identify solutions together, and schedule future status hearings to enable the Court to oversee our continued progress.

Respectfully submitted,

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¹⁴ Katherine Stanton, a second-year law student at the University of Chicago Law School, provided substantial assistance in the preparation of this document.