



April 8, 2021

Honorable Robin Kelly
House of Representatives
2416 Rayburn House Office Bldg.
Washington, D.C. 20515

Kankakee County Sheriff's Police
Michael D. Downey, Sheriff

Re: Letter of Concern Response

Dear Representative Kelly,

This letter is in response to your inquiry regarding COVID issues in the Jerome Combs Detention Center in Kankakee County and other "issues" you asked about in the correspondence.

The medical staff at the Kankakee County Sheriff's Office has done a tremendous job in working with our local health department and keeping COVID out of our jails for as long as they did. The JCDC is accredited by the National Commission on Correctional Health Care. An accreditation that very few jails have throughout not only Illinois but the country. Throughout COVID, the Kankakee County Sheriff's Office was fortunate to manage any positive COVID detainees until approximately October of 2020. At that time we had a small outbreak in our downtown jail (KCDC). Our medical protocols regarding COVID were based on guidelines set forth by the CDC. Following approximately a 2 month quarantine, we have remained COVID free at the downtown facility since December 2020.

In late December 2020, our first detainee tested positive for COVID in our 64 bed dormitory (C-Dorm) at the Jerome Combs Detention Center (JCDC). All of those detainees since obviously exposed were quarantined and over the course of the next few weeks, 48 of 62 detainees in C-Dorm tested positive for COVID. Unfortunately, as somewhat expected, COVID began to make its way through the other parts of JCDC. In spite of quarantine, and other guidelines established by the CDC, COVID was identified in 3 additional housing units including our ICE housing unit (K-Pod). Of the 28 ICE detainees, 22 tested positive for COVID. Fortunately none of the COVID cases in KCDC and JCDC required serious medical attention (ventilator, death). We did transport 3 local inmates to the hospital due to their oxygen level being low and following our medical protocol.

All told, between the two facilities there were 32 inmates at KCDC who tested positive and 183 at JCDC who tested positive. In addition, 44 staff members tested positive for COVID and an additional 54 staff members were exposed to COVID and quarantined at home but did not have a positive COVID test.

We have received assistance from former 79th District State Representative Lindsay Parkhurst, current 79th District State Representative Jacki Haas, and 40th District Senator Patrick Joyce during this pandemic. We were also able to obtain a Rapid Test machine which benefitted both our staff and those in custody.

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Vaccinations actually began yesterday April 7, 2021 and the ICE detainees were the first in our jail to receive them. Of 30 ICE detainees, 18 received the vaccination. JCDC recently had detainees from the Federal Bureau of Prisons (BOP), who had already received the vaccine while in the custody of the BOP. A small number refused. We will finish with the vaccines of all of those in-custody who wish to be vaccinated by next Tuesday April 13, 2021. As for the staff, as you know, Governor Pritzker placed first responders in category 1B and our staff had the opportunity to sign up and receive the vaccine. Like hospital employees, our staff was not mandated to receive the vaccine. I do not have numbers of staff who chose to receive the vaccine.

Those in-custody were also placed in category 1B, and we filed all the necessary paperwork to obtain the doses back in February of 2021 with the Illinois Department of Public Health (IDPH). With the assistance of our local legislators and after unknown delays by our local health department and IDPH, we received the doses on April 6, 2021 and will have administered the vaccine to all who request it by next Tuesday Friday April 13, 2021 as previously noted.

Regarding the additional "concerns" from our local anti-immigration group and a former ICE detainee, let me address them as briefly as possible. I had a great conversation with your Senior Advisor Rick Bryant on Wednesday April 7, 2021 and explained every concern listed in your correspondence in detail.

- Lack of mask-wearing...Masks are issued to all detainees and if they need to be replaced for one reason or another, they are. Mask-wearing is strongly encouraged, however detainees are not disciplined for not wearing a mask. They are reminded by staff to put it on if they have it lowered or are not wearing it.
- Social distancing protocols...There are different housing units in both jails and the number of detainees we are able to house varies. In most housing units, we utilize a tier system where only half of the detainees are out in the dayroom area to assist us with social distancing.
- Availability of masks, hand sanitizer, and COVID testing...The mask issue was addressed previously in the first bullet point. Hand sanitizer is readily available from dispensers in most housing units and are located next to officer stations. Detainees in those housing units can access the hand sanitizer when needed. In the other housing units, hand sanitizer is readily available but must be requested by the detainee for security reasons. As I mentioned earlier, JCDC has a rapid test machine and we are able to rapid test any detainee who exhibits symptoms.
- Transparency in reporting COVID cases to detainees...If a detainee tests positive for COVID, medical staff advises that detainee. As for transparency, dating back to October 2020 when we had a detainee test positive, I advised the Criminal Justice Committee in the November meeting. You can watch these meeting on the Kankakee County website. In fact, COVID update is an agenda item for our Criminal Justice Committee.
- Other concerns raised about fungus and worms found inside the building...This is a complete fabrication. We are inspected bi-annually by Nakamoto who is contracted through ICE that ensures we are following standards. We are also inspected by the Office of Detention Oversight (ODO) bi-annually and we are also inspected annually by the Illinois County Jail Detention & Standards Unit.

- Fresh air...As a county jail, there is no requirement for outdoor recreation. ICE standards do require outdoor recreation. As you are aware, ICE houses detainees in a number of county jails across the country a few, very few do have outdoor recreation. ICE allows detainees to request to be transferred to a facility who does have outdoor recreation.
- Sunlight...Every housing unit and in fact every area of both jails, have access to sunlight. This seems to be another fabrication. Sunlight is a requirement of Illinois County Jail Standards.
- Recreational activities...JCDC has recreation areas in each housing unit. The recreation consists of a large room and include a basketball goal. Equipment such as basketballs, soccer balls and volleyballs are provided. The area is large enough for individual exercise as well.

As you are aware, Kankakee County was fortunate enough to receive \$21.5 million from the American Rescue Plan. I met with County Board Chairman Andy Wheeler, States' Attorney Jim Rowe and Chief Judge Mike Kramer last Friday regarding the funds received from the American Rescue Plan. Chairman Wheeler agreed that adding outdoor recreation to JCDC should fall under this plan. I have already begun researching ways to make an outdoor recreation area safe and secure not only for ICE detainees but all those in custody.

I do understand that when a constituent or constituents reach out to you regarding what they perceive as issues relating to those who are in custody, that you as an elected official inquire so that you are able to respond to any issues brought to you. I appreciate the relationship I have with your Senior Advisor Rick Bryant and as I tell him, you and your office can contact me anytime if there is an issue that needs to be dealt with. I am also not naïve enough to know that regardless of the job we do here at the Kankakee County Sheriff's Office regarding a particular group of detainees, no explanation of how things are done lawfully will be satisfactory to them. We are as open and transparent as the law allows and whether it's you, U.S. Senator Tammy Duckworth, or Congressman Jesus "Chuy" Garcia, all are welcome to come here whether announced or unannounced because as I told Congressman Garcia when he tried to bully his way into our jail without following DHS protocols for jail visits, "you're not going to see anything different today than you would if you came back tomorrow". I let him in, in spite of ICE's objection.

I too look forward to working together as we battle through COVID, illegal immigration and the continued attacks by some legislators on law enforcement. If you would like to come back and tour our facility again, you're always welcome.

Sincerely,

Michael D. Downey
Kankakee County Sheriff