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Suit claims Cook County detainees monitored in toilet areas

by The Associated Press
Thursday, August 9th 2018



Cook County Jail. (File Photo)

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CHICAGO (AP) – Attorney Thomas Zimmerman of the Chicago-based Zimmerman Law Offices Wednesday filed a class action lawsuit against Cook County Sheriff Tom Dart, and the County of Cook, Illinois. The suit alleges the Cook County Sheriff’s Office has a policy of mandating that its Sheriff’s deputies secretly monitor in real time and video record all pretrial detainees while they use the toilets in holding cells. The video recordings can be viewed by Sheriff’s deputies for 30 days.

The case, Elizabeth Alicea, et al. v. County of Cook, et al., was filed in the federal U.S. District Court for the Northern District of Illinois.



Pretrial detainees are temporarily held in Cook County holding cells while they wait to see a judge to post bail after an arrest. Every holding cell has a toilet, and there are solid partitions or dividing walls that separate the toilet area from the rest of the holding cell so that the person cannot be seen by anyone else in the cell.

However, according to the suit, hidden cameras installed in the holding cells have an unobstructed view of the toilet and a person’s genitals when he/she is using the toilet. The

video feeds from the holding cell cameras are continually monitored by Cook County Sheriff's deputies from a monitoring room that is staffed by both male and female Sheriff's deputies who monitor all pretrial detainees—regardless of whether they are male or female—in the holding cells. The complaint alleges that all pretrial detainees are searched prior to being placed in a holding cell, and there are no oral or written notifications that the people are being monitored while they are using the toilet.

According to the complaint, the Sheriff's conduct of monitoring pretrial detainees when using the toilet constitutes an unconstitutional search in violation of the Fourth and Fourteenth Amendments, and also constitutes an invasion of privacy. The lawsuit seeks to halt this secret monitoring and compensate the pretrial detainees for their humiliation and embarrassment.

According to Thomas A. Zimmerman, Jr., counsel for the plaintiffs, "Even when they are in the Sheriff's custody, people retain an expectation of privacy in their naked bodies, genitals, and bodily functions, and they have a right to prevent their naked bodies from be viewed by members of the opposite sex."

At the press conference, two of the plaintiffs will be present for comment, and copies of the class action lawsuit and a photograph of a toilet from a holding cell camera feed will be distributed.

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