



OFFICE OF THE PRESIDENT  
**BOARD OF COMMISSIONERS OF COOK COUNTY**  
118 NORTH CLARK STREET  
CHICAGO, ILLINOIS 60602  
(312) 603-6400  
TDD (312) 603-5255

**TONI PRECKWINKLE**  
PRESIDENT

April 9, 2012

Mr. John Morton  
Director  
U.S. Department of Homeland Security—  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW  
Washington, D.C. 20536

Dear Mr. Morton:

I am in receipt of your letter dated February 13, 2012. I certainly appreciate your effort to continue the dialogue. At this juncture, I believe convening a joint working group concerning the proposal outlined in your letter is premature. I have several concerns about the ideas set forth in your letter and have strong reservations regarding any proposal that allows for detention by ICE without a warrant.

In review of your proposal, the first point suggests that Cook County would again allow two ICE officers to work in the County detention facility, allow ICE to interview detainees, to have access to County records, and bear any costs relating to same. Under Section 46-37(b) of the Cook County ordinance, there are limited circumstances when ICE agents may have access to individuals or County facilities. County ordinance permits ICE access when ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws. As stated in my previous correspondence, immigration enforcement is not a function of the County. To allow ICE interviews, access to records and detention without a warrant or legitimate law enforcement purpose would cause the County to be involved in matters outside our local jurisdiction and potentially open the County to liability. Once again, in circumstances where a criminal warrant has been issued or when there is some other legitimate law enforcement purpose not related to enforcement of immigration laws, Cook County ordinance does not restrict access. Your offer that ICE bear any costs associated with providing space to work and access to records does not address the prevailing concern that the County would be operating beyond the scope of its role as a local jurisdiction.



The second aspect of your proposal suggests that ICE would agree to take custody of an alien subject to an ICE detainer on the day of the alien's scheduled release from the Cook County Jail. This proposal specifically requires that the County schedule releases during normal business hours and that the County provide ICE with at least 24 hours advance notice pending release. What you are proposing is impractical for many reasons. First, while a release order for a detainee is entered during normal business hours, the actual release of an inmate can happen at any time and is dependent on a number of factors. Inmates may receive a release order from any of our suburban courthouses and have to return to the jail for processing and release. A family member—unbeknownst to the inmate—may post bail at any time. Or, an inmate may be released when his or her charges are dropped. In each of these instances it would be impossible to provide ICE with at least 24 hours advance notice of a pending release. I will reiterate that once a member of our independent judiciary makes a determination that an individual should be released, the County cannot detain them past that point.

Finally, your proposal sets forth the proposition that if ICE is unable to assume custody of a detainee pursuant to agreement with the Sheriff, ICE will agree to reimburse the County for expenses incurred by the Sheriff during any period of delay. This proposal appears overly broad and vague. This proposal does not address any limitations as to the circumstances in which ICE may be unable to assume custody or for what length of time. Detention of an individual in the County correctional facility past the point when an individual is free to go subjects the County to liability for unlawful detention and infringes upon an individual's rights. Though the County has an obligation to protect tax payer interests and operate in a lawful manner that does not infringe on an individual's legal rights; the primary intent of the County ordinance was not fiscal rather it was passed to ensure that detainees in Cook County are granted fair and equitable access to justice, regardless of their immigration status.

The Cook County ordinance addresses the County's obligation to protect tax payer interests; moreover, it ensures that detainees in Cook County are granted fair and equitable access to justice, regardless of their immigration status - the primary intent behind passage.

If you would find it to be helpful, I am still open to meeting with you to further discuss options that will provide fair and equitable access to justice.

Sincerely,

A handwritten signature in black ink that reads "Toni Preckwinkle". The signature is written in a cursive, flowing style.

Toni Preckwinkle  
President