



SHERIFF'S OFFICE OF COOK COUNTY, ILLINOIS  
RICHARD J. DALEY CENTER, CHICAGO, IL 60602  
**THOMAS J. DART**

January 21, 2025

*Via electronic mail*

Ms. Teresa Lim  
Supervising Attorney  
Public Access Bureau  
Office of the Illinois Attorney General  
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Chicago, Illinois 60603  
[Teresa.Lim@ilag.gov](mailto:Teresa.Lim@ilag.gov)

RE: FOIA Request for Review: 2024 PAC 84507 (FOIA R066362)  
Requester: Mr. Jabril Gushiniere  
Date of FOIA Request: December 17, 2024

Dear Ms. Teresa Lim,

On January 10, 2025, The Cook County Sheriff's Office ("CCSO") received your Request for Review regarding the Freedom of Information Act ("FOIA") request submitted by Mr. Jabril Gushiniere. In response to the Public Access Bureau's request for CCSO's legal and factual bases for the applicability of the asserted exemptions, please find the following.

On October 16, 2024, the CCSO received a FOIA request from Mr. Gushiniere that stated:

*"I hereby request the following records as of the date you fulfill this request:*

- 1. Correctional Officer Vacancies: The current number of vacant correctional officer positions for each of the following areas within the Cook County Department of Corrections: External Operations, Sanitation, Kitchen, Laundry, Receiving, Division 2, Division 3, Division 6, Division 8, Division 9, Division 10, Division 11, MHTC (Mental Health Transition Center). The vacancy data must reflect the current and up-to-date status for each specified division and area at the time this request is fulfilled.*
- 2. Correctional Officer Assignment Data: A complete list of all correctional officers currently assigned to each of the above-listed divisions and areas. For each officer, I specifically require the following information: Full Name, Seniority Date, JDE Number, Assigned Shift (e.g., 1st Shift, 2nd Shift, 3rd Shift)."*

The CCSO conducted a diligent search for responsive records and responded to Mr. Gushiniere request on December 23, 2024. The CCSO provided responsive records to item one in Mr. Gushiniere's request but denied item two.

Our denial to Mr. Gushiniere stated: *“Please be advised that your request for a complete list of all correctional officers currently assigned to each of the above-listed divisions and areas has been denied in accordance with 5 ILCS 140/7(1)(d)(vi) and (e) in order to promote and protect the safety and security of law enforcement personnel, detainees, and of the jail. Assignment rosters “reveal the institution’s staffing levels, including \* \* \* [when] and where those officers are posted throughout the [organization]. This information could assist individual in planning incidents, including assaults, homicides, and escape attempts.” Pinson v. Dep’t of Justice., 236 F.Supp. 3d 338, 369-70 (D.D.C. 2017).”*

On December 23, 2024, Mr. Gushiniere wrote to the Public Access Bureau challenging the CCSO's denial.

A. FOIA Exemption 5 ILCS 140/7(1)(d)(vi)

Mr. Gushiniere states: *“This provision exempts information where disclosure would “endanger the life or physical safety of law enforcement personnel or any other person.” While valid concerns regarding security exist, the denial fails to establish how disclosing aggregate staffing numbers or compliance- related information poses any credible threat. My request does not seek tactical or operational details such as patrol schedules or specific officer movements; rather, it focuses on: Vacancy Data: Aggregate figures reflecting the number of unfilled positions in various divisions and units. Assignment Metrics: Broad, anonymized data indicating whether assignments respect contractual seniority.”*

Under section 7(1)(d)(vi) of FOIA (5 ILCS 140/7(1)(d)(vi)), a law enforcement agency may withhold records to the extent disclosure would “endanger the life or physical safety of law enforcement personnel or any other person[.]”

Mr. Gushiniere, himself, admits that there are valid concerns regarding security risks if the records he requested were to be disclosed. However, Mr. Gushiniere dismisses these risks by stating that he is not requesting tactical or operational details such as patrol schedules or specific officer movements and thus the denial was improper. On the contrary to Mr. Gushiniere statement, he actually is requesting specific officer movements and postings, as he is requesting the specific assignment information of each correctional officer in the Cook County Department of Corrections. If we were to release the full name, division, area, and shift of each correctional officer as Mr. Gushiniere requested, we would be essentially letting Mr. Gushiniere and the public know where they can locate a specific correctional officer at a specific time.

Mr. Gushiniere states, “[a]s a sworn correctional officer at the Cook County Department of Corrections, my request is not driven by arbitrary curiosity or public dissemination but by a need to ensure transparency and adherence to policy within the agency where I serve.” Although we commend Mr. Gushiniere on his commitment to his duties as a sworn correctional officer, there is no guarantee that the information, if released to Mr. Gushiniere, would not be disseminated to

the public, or that his position would somehow prohibit him from circulating it further. “As a general rule \* \* \* [t]he information belongs to citizens to do with as they choose. \* \* \* [T]he disclosure does not depend on the identity of the requester.” *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 170-172 (2004). “[R]ights under [FOIA] are neither increased nor decreased by reason of the fact that it claims an interest in [records] greater than that shared by the average member of the public.” *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 144 n.10 (1975)

What Mr. Gushiniere is arguing is that the public interest somehow outweighs the exemptions cited here. But that balancing test applies only to 7(1)(c), not the *per se* exemptions the CCSO invoked. Should the PAC even consider any balancing, in this instance it works against the requester because Mr. Gushiniere is a correctional officer at the Cook County Department of Correction, and releasing this information to him would be even more of a safety risk because he would have personal knowledge and access to the areas in the Cook County Department of Corrections. Additionally, the interest he is arguing for (holding the CCSO to a collective bargaining contract) is already adequately provided for elsewhere by union agreements, and has an entire union to enforce them.

#### B. FOIA Exemption 5 ILCS 140/7(1)(e)

*Mr. Gushiniere states: This provision exempts information that could “reveal security measures, staffing levels, or operational practices.” However, my request does not seek information on security protocols, emergency procedures, or any data that could be construed as revealing “security measures.” Aggregate staffing levels, as requested, do not fall within the ambit of sensitive operational details. The cited case, Pinson v. Department of Justice ( 236 F. Supp. 3d 338, 369-70), involves fundamentally different circumstances, where the disclosure of staffing data in a high-security federal facility was directly linked to safety risks. In contrast, my request is narrowly tailored to a local correctional facility and pertains to routine personnel management issues. Invoking this exemption to withhold even basic vacancy and assignment data stretches the statute beyond its intended scope.”*

Under section 7(1)(e) of FOIA (5 ILCS 140/7(1)(e)), a public body may withhold “[r]ecords that relate to or affect the security of correctional intuitions and detention facilities.”

As much as he now tries to amend it, Mr. Gushiniere’s FOIA request as filed and as responded to, requested assignment rosters with the specific names, locations and specific shifts of each correctional officer in the Cook County Department of Corrections, giving anyone to whom it is released a roadmap to target individual correctional officers by providing times they will be on shift and where.

Even if redacted for names, this information lets the public know the staffing levels inside of the Cook County Department of Corrections, by revealing how many officers are assigned to a given area in the Cook County Department of Corrections at a given time. We cited Pinson v. Department of Justice because the information Mr. Gushiniere is seeking is very similar to the daily assignment rosters that was sought in Pinson. It does not matter that the correctional facility in Pinson was a high-security federal facility, while the Cook County Department of Corrections is a local correctional facility like Mr. Gushiniere states. Section (7)(1)(e) of FOIA does not

differentiate between the two facilities and the release of the requested information would affect the security of the facilities the same. Assignment Rosters “reveal the institution’s staffing levels, including how many correctional officers are present on each shift and where those officers are posted throughout the institution. This information could assist individuals in planning incidents, including assaults, homicides, and escape attempts.” Pinson v. Dep’t of Justice, 236 F.Supp. 3d 338, 369-70 (D.D.C. 2017).” *See also Jordan v. U.S. DOJ*, 07-cv-02303, 2009 WL 2913223 (D. Colorado, 2009) (finding that “There is no question that public disclosure of the names and titles of all ADX staff members could endanger the life or physical safety of any or all of the named employees.”) Cook County Jail officers are charged with enforcing jail rules and deal with accused and convicted murderers, attempted murderers and other violent criminals on a daily basis. Enforcement of those rules engenders no end of hostility toward correctional officers and places them at high risk for retaliation.

For the PAC’s review, we will provide it with a copy of a staff roster that was requested by a different requestor in a prior different request. For this request, the requestor was seeking the name of all correctional officers, their job title, assignment location, seniority date, and salary. We provided the staff roster but withheld the assignment location citing Section (7)(1)(d)(vi) and (e) for the same reasons we denied Mr. Gushiniere’s request. Since the requestor’s main focus for the staff roster was names of the correctional officers and their salaries, this request could still be fulfilled without the assignment location. However, Mr. Gushiniere’s request for the staff roster focuses on the correctional officers, their specific assignments, and vacancy information in the Cook County Department of Corrections, and thus was denied in whole.

Mr. Gushiniere states that he is willing to accept a document “that omits the sensitive details, such as individual officer names or precise shift times.” Although removing this information would eliminate *specific* officer safety concerns, it would not eliminate general safety concerns by showing current numbers of staff assigned to specific posts. It also does not speak to the exemption in Section (7)(1)(e) for security of the correctional intuition. Mr. Gushiniere would still have a list of how many officers are assigned to a given area in the Cook County Department of Corrections, which reveals our staffing levels. It also does nothing to further his alleged purpose of checking on specific seniority levels and adherence to seniority assignments.

If Mr. Gushiniere would accept a list with the correctional officers’ names and seniority level for his purposes, then the CCSO has no objections to producing such a list. However, the CCSO believes that providing assignment information poses a safety and security risk.

If you have any questions, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

Tracy Ho  
Assistant General Counsel - FOIA Officer  
Legal Department  
Cook County Sheriff’s Office

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Enclosures

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