

Restore Justice Foundation

Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/about-us/resources/know-more/know-more-freedom-of-information-act/>

Policy Issue Resources

The criminal legal and prison systems in Illinois can often feel like a jigsaw puzzle, full of interlocking laws, policies, and eccentricities that can be overwhelming even to experienced advocates. Restore Justice publishes a series of [Know More](#) posts. Each post will provide a straightforward overview of a different aspect of the Illinois criminal legal system.

The Freedom of Information Act (FOIA) is a set of laws that seeks to make government more transparent by giving individuals and organizations the power to request and receive public documents from public institutions. It does so by creating a relatively straightforward process for individuals to request documents and places requirements on government to respond in a timely manner or face potential lawsuits.

Not all information is subject to FOIA. Personal addresses and phone numbers of civil servant and staff, for instance, falls outside the laws scope (you can find a full list of exemptions [here](#)).

Despite these limits, FOIA laws remain a potent tool for individuals seeking more information about government and their elected officials.

FOIA gives citizens a way to hold their government accountable. It has been used often by reporters, but also civic organizations to expose everything from [corruption](#) and [cover-ups](#) to [human rights abuses](#) by federal agencies. Closer to home, FOIA laws in Illinois have recently been used to force the Chicago Police to [release the Laquan McDonald police shooting video](#). Without robust FOIA laws, its likely that many of these abuses would have gone unexposed and unchallenged.

But in Illinois, there are serious shortfalls in our FOIA legislation. Because of how our FOIA laws are written, many documents and records related to conduct by the Illinois Department of Corrections (IDOC) remains off limits as a security measure. Similar clauses protect police departments and other elements of the Illinois justice system from scrutiny.

There are good reasons to keep some records off limits. But too often, the cover of security applies too broadly.

For instance, earlier this year we submitted a FOIA request to IDOC on their lockdown policy. Prison lockdowns can last weeks and lead to solitary-like confinement conditions and severe reduction in services for inmates. While lockdowns are used in response to fights, riots and similar incidents, sources indicated that prisons were using them more liberally, and for reasons not related to incidents. To find the truth, we requested IDOC disclose their policies for determining when to impose and lift lockdown status, as well as the number and length of lockdowns from the past two years.

Our request was denied in full, with security reasons cited. This ability to so quickly dismiss inquiries means alarming and unethical practices can often go undisclosed for too long. Today, IDOC is currently being suing in a class action suit by prisoners who faced [extreme physical and sexual abuse at the hand of IDOC security officers](#). In a second suit, the Department has been charged with providing [grossly inadequate medical care](#) in prison, leading to the premature death of inmates.

Based on how our state laws are written, many of the relevant records about these practices about IDOC officer conduct, medical incidents, and the like would have been exempt from FOIA.

There's a lot out there on FOIA. For a dive into the laws technical nuances, law firm [Loevy & Loevy](#) has published an [exceptionally detailed overview of Illinois FOIA laws](#). You can also find how the firm uses FOIA in its various cases on [their blog](#).

To see how another local nonprofit uses FOIA for an adjacent line of work, check out the [Lucy Parsons Labs](#). They've used FOIA to [investigate policy shootings](#) and how Chicago police use [a range of surveillance tools](#) to track its residents, among other projects.

Linked Sources

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