



April 15, 2020

To Chief Justice Burke & members of the Illinois Supreme Court
Cc: Marcia Meis, Director, Administrative Office of the Courts

Re: Guidance for Probation, Detention & Juvenile Court Judges in light of COVID-19

Last March 19th, the Juvenile Justice Initiative along with a number of other organizations expressed concern that you direct local juvenile courts to adopt emergency measure to protect youth under the supervision of the court system. Among the recommendations was stopping new admissions, releasing young people from secure and congregate settings, suspending probation revocations for technical violations, and setting up safety plans to ensure adequate supports are in place for youth and staff in detention centers.

Since we sent the letter, it is clear that the concerns over COVID-19 have resulted in dramatic changes in our juvenile court system. While the protections that we urged have not been endorsed, dramatic actions have been taken by this Court, including the suspension of the right to a speedy trial in this Court's order dated April 7th.

The crisis posed by COVID-19 requires bold leadership. Especially while fundamental rights such as speedy trial are being temporarily suspended, it is imperative to ensure that they are accompanied by protections and reductions in punishment through early release from detention/prison, through early termination of probation and EM sentences, through elimination of fines and fees, and through transparency in court and sentencing.

The lack of transparency across the state is particularly troubling. Under current Illinois law, county judicial officials are permitted to detain children as young as ten for misdemeanor, low level or technical violation offenses indefinitely and without in-person family and legal visitation.

Strong juvenile court leadership is essential. We, the undersigned, urge the Court to direct local juvenile courts to take the following actions to protect children in conflict with the law:

- **Stop new admissions to juvenile detention placement facilities.** Unless youth pose an immediate and substantial risk to public safety, alternatives to out-of-home placements, including placement at home with terms and conditions, should be the default response.
- **Release as many young people from detention as possible.** This includes young children (those under the age of 14), and all children who do not present a substantial public safety risk. Illinois

courts should immediately release all young people in detention for low level property offenses, for failure to appear in court, and for technical probation violations.

- **Release children at risk of COVID-19:** Illinois courts should also release youth who have pre-existing conditions, including asthma, that may make them particularly vulnerable to COVID-19 symptoms, as well as youth who are exhibiting COVID-19 symptoms themselves. These youth should not be released to other congregate care settings where the virus can spread; the default should be a presumption that the youth will return to a family member or guardian's home. Agency officials should take steps to ensure that youth have a place to live, have a plan to meet their basic needs, have a plan to receive medical care, and have immediate access to Medicaid.
- **Revise juvenile probation policies** to include the immediate suspension of any detention for technical violations, and early termination of probation and electronic monitoring orders.
- **Revise electronic monitoring policies** to ensure it is used sparingly, if at all, and only in response to immediate and substantial risks to public safety that outweigh the safety risks to probation staff inherent in the application and supervision of the devices.
- **Suspend fines.** The collection of any court, detention or probation fees should be suspended indefinitely.
- **Ensure transparency.** Juvenile courts who oversee detention facilities and juvenile probation services should be required to inform the public of their use of these extraordinary powers, especially during this crisis. The public needs to know how many children are in detention, as well as their age and the reason for their loss of liberty in this crisis.

Where fundamental rights such as the right to a speedy trial are being suspended, it is particularly critical for courts to move to ensure fundamental protections and public accountability. The fundamental protections outlined above are modest emergency protections, consistent with recommendations from national prosecutorial leaders: <https://fairandjustprosecution.org/wp-content/uploads/2020/03/Coronavirus-Sign-On-Letter.pdf> and from probation leaders: <https://www.exitprobationparole.org/covid19statement>

Further, these fundamental protections are consistent with those taken by the Dept. of Juvenile Justice (IDJJ) to ensure the safety of youth and staff in juvenile prisons housing youth *after* a finding of guilt. The actions taken by IDJJ include postponing intake of new commitments, expediting and expanding release reviews, and implementing a range of protections within facilities. The protections are transparent, thanks to the Office of the Ombudsperson, which issued a report documenting IDJJ's response to COVID-19.

<https://www2.illinois.gov/idjj/Documents/OIJO%20Special%20Covid19%20Report%20Final.pdf>

Children in detention who are awaiting trial deserve the same level of transparency and accountability.

Therefore, we the undersigned urge this Supreme Court, as the leader of all juvenile courts, detention centers and probation departments in this state, to swiftly respond to these vital concerns by issuing an order directing that these essential protections be afforded to our most vulnerable citizens, our children.

LEGISLATORS:

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State Representative, 18th District

Will Guzzardi
State Representative, 39th District

ORGANIZATIONS:

Cabrini Green Legal Aid
6 South Clark St., Suite 200, Chicago, IL 60603
<https://www.cgla.net/>

Chicago Urban League
4510 S. Michigan Ave., Chicago, IL 60653
<https://chiul.org/>

Children & Family Justice Center Bluhm Legal Clinic, Northwestern Pritzker School of Law
375 E. Chicago Ave., Chicago, IL 60611
<http://www.law.northwestern.edu/legalclinic/cfjc/>

Civitas Childlaw Center
School of Law, Loyola University
25 East Pearson, Chicago 60611
www.luc.edu

Community Behavioral Healthcare Association of IL.
3085 Stevenson Drive, # 203, Springfield, IL. 62703
www.cbha.net

Illinois Collaboration on Youth
333 S. Wabash, Suite 2750, Chicago, IL 60604
www.ICOYouth.org

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Interfaith Criminal Justice Task Force
<https://firstuchicago.org/criminal-justice-task-force/>

Illinois Parent Teacher Association (PTA)
<http://www.illinoispta.org>

James B. Moran Center for Youth Advocacy
1900A Dempster, Evanston, IL 60202
<https://moran-center.org/>

John Howard Association
70 East Lake Street, Suite 410, Chicago, IL. 60601
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Juvenile Justice Initiative
518 Davis, #211, Evanston, IL 60201

Law Office of the Cook County Public Defender
69 W. Washington St., Chicago, IL 60602
<https://www.cookcountypublicdefender.org/>

TASC, Inc (Treatment Alternatives for Safe Communities). 700 S. Clinton St., Chicago, IL 60607
www.task.org

