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ILLINOIS YOUTH ENDANGERED BY 'KANGAROO COURTS,' CLASS ACTION LAWSUIT CHARGES

*Complaint Details the Arbitrary and Unlawful Imprisonment
of Over 1,000 Illinois Youth*

CHICAGO – Illinois' system for determining whether to revoke parole for children and teenagers is akin to a "kangaroo court" that violates the U.S. Constitution and wreaks havoc with the lives of thousands of youth, according to a class action lawsuit filed in federal district court.

The suit was filed on behalf of all youth who are on parole in Illinois and who will go before the Illinois Prisoner Review Board (IPRB). The IPRB is charged with determining whether a youth violated parole and with imposing sanctions on those youth determined to be violators. The lawsuit charges IPRB with systematically depriving juvenile parolees of their rights to a fair hearing, legal representation and other gross violations of the U.S. Constitution.

"Over the years, thousands of Illinois youth have wrongfully languished in prison because the Illinois Prisoner Review Board violates the most basic tenets of fundamental fairness and due process.," said Alexa Van Brunt, Clinical Assistant Professor of law and attorney for the Roderick MacArthur Justice Center at Northwestern University Law School. "This flawed system creates a revolving door that ensures most young people who leave prison will return at some point. Not necessarily because they commit a new crime, but because the parole process imprisons youth without a hearing based on a mere allegation that the youth committed a minor violation of his parole."

The lawsuit requests an order from the U.S. District Court that will require the IPRB to conduct parole revocation hearings in full compliance with state and federal law. Among the constitutional defects plaguing the system, the lawsuit charges that:

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- Parole agents often mislead youth into waiving their rights to a crucial preliminary hearing.
- Most juvenile parolees are denied an opportunity to review the nature of the charges against them until the date of their hearing, inhibiting their right to prepare a viable defense.
- Juvenile parolees are denied the assistance of legal counsel.
- In the final parole revocation hearings, IPRB officials make most decisions based solely on the cursory reports prepared by the parole officers who violate the youth in the first place.

The impacts of these constitutional violations reverberate ominously in the lives of Illinois' youth, according to the lawsuit. In 2011, the IPRB used this unconstitutional system to revoke parole in 735, or 65 percent, of the 1,132 juvenile cases submitted to its discretion, according to the agency's own annual report. More than 50 percent of those revocations stemmed from alleged technical violations – such as losing touch with a parole officer – that were not related to any criminal allegations.

Beyond matters of flesh and blood, the flaws in the system can also be measured in dollars and cents: Depending on where a youth is detained, re-incarcerations resulting from parole revocations can cost Illinois taxpayers between \$67,000 and \$140,000 per child, the lawsuit stated.

“The Constitution and Illinois law require a fair hearing before a child can be held behind bars” said Alexa Van Brunt “The law on this point is well-established. The state of Illinois' continued violations come at a great cost to our young people and to our taxpayers.”

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Roderick MacArthur Justice Center is an Independent, publicly funded law firm, founded in 1985 by Roderick MacArthur.