

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

M.H., on behalf of himself and on behalf of the class)	
of juvenile parolees who face revocation proceedings,)	
)	
Plaintiffs,)	
)	Case No. 12CV8523
v.)	
)	Judge Andrea R. Wood
ADAM MONREAL, Chairman of the Illinois Prisoner)	
Review Board; CANDICE JONES, Director of the)	
Department of Juvenile Justice,)	
)	
Defendants.)	

PROPOSED NOTICE OF SETTLEMENT

To: All Youth Who Are On Parole in the State Of Illinois and Their Parents and Guardians

The Department of Juvenile Justice (DJJ) and the Prisoner Review Board (PRB) have agreed to settle a class action lawsuit challenging the parole revocation process. The lawsuit was filed in October 2012 by the Roderick and Solange Macarthur Justice Center at the Northwestern University Law School and the Uptown People’s law Center (“Class counsel”) on behalf of all youth who face parole revocation. The lawsuit claimed that the parole revocation process was unfair and that it violated the due process rights of youth because, in part, there was no process for screening and appointing counsel to those youth who were entitled to the appointment of an attorney.

The purpose of this Notice is to inform you of the status of the lawsuit, including your rights with respect to a Proposed Settlement of the case, and the opportunity to file with the Court any objections you may have to the Proposed Settlement.

An important provision of this proposed settlement provides state-funded, appointed attorneys to represent eligible youth during parole revocation proceedings. The DJJ and the PRB have until December 31, 2014 to begin the process of screening youth to determine if they are eligible for an attorney and to appoint attorneys. Until the DJJ and the PRB begin this process, youth will not receive state-funded appointed attorneys.

1. The Settlement Class: The parties have agreed to a settlement class of all juvenile parolees in the state of Illinois who currently or who will in the future face parole revocation proceedings. If the Court approves this settlement and you are a member of the settlement class, this settlement will affect your rights.

2. Proposal to settle the case by adoption of a Consent Decree: The Plaintiffs and the Defendants have negotiated a document called a Consent Decree that would, if approved by the Court, settle this case. The Consent Decree would be enforceable by the court and monitored by an independent monitor and class counsel.
3. No money damages are involved in this case: The lawsuit does not involve money damages, so whether this case settles or goes to trial, no class member will obtain money from DJJ and the PRB.
4. Terms of the Proposed Settlement: The terms of the Proposed Settlement would require the parole process to function as described below:
 - During the parole revocation process, parolees will have notice of the charges against them, an opportunity to explain their side of the story, and a hearing before a hearing officer or Prisoner Review Board member who will be fair and impartial. Youth will also receive written findings at each stage of the parole revocation process. They will have the right to appeal any decision by the Prisoner Review Board.
 - The parole revocation process will have two steps: (1) a preliminary revocation hearing during which a hearing officer determines if there is probable cause to believe that the youth committed the alleged violation; and (2) a final revocation hearing before the Prisoner Review Board to determine if the youth should have his or her parole revoked.
 - Youth who are under the age of 18 will automatically be appointed counsel to represent them throughout the entire parole revocation process. The State will pay for this attorney at no cost to the youth or his or her family.
 - Youth who are over the age of 18 will be screened twice to determine if they are eligible for appointed counsel.

First, DJJ staff will determine if youth need help speaking to the parole board and presenting their side of the story. They will do this by reviewing youth's medical, mental health, educational and master files, and meeting with youth in person. Every youth over the age of 18 will go through this screening process.

Second, if DJJ staff find that over-18 youth are not eligible for an appointed attorney, during the preliminary parole revocation hearing, the PRB hearing officer will answer the following questions: (1) does the youth have a strong argument that he or she is innocent of the alleged violation?; or (2) does the youth have a strong argument that he or she should not be revoked because of "mitigating factors," which are explanations about why the violation happened?; or (3) does the youth need help presenting his or her side of the story? If the

answer to any of these questions is yes, then the youth will be appointed an attorney at no cost to the youth or his or her family.

- There are also important deadlines in the parole revocation process. The preliminary parole hearing must be held within 10 days of the youth being locked up, but it can be postponed if the youth is appointed an attorney at the preliminary parole hearing. The final revocation hearing should be scheduled as soon as possible, or within 45 days, unless a youth or his or her attorney requests a postponement.
- If a youth is found guilty of the alleged violation in court, then during the parole revocation hearing the Board only needs to consider whether there exist mitigating factors, or explanations about why the violation happened. The Board does not have to decide whether the violation actually occurred when a youth is found guilty of in a court of the alleged violation.
- Appointed counsel will only represent youth during the parole revocation process. Once the process is over, the attorney will no longer represent the youth.
- The parties will agree to an independent monitor who will help the Defendants comply with this Consent Decree and who will report to the court. The Monitor will also meet with youth and may look at their records to find out if the Defendants are following the agreement. Class counsel will also be involved in monitoring compliance with the decree.

The summary of the Settlement Provisions in this Notice does not include all of the terms and conditions of the Proposed Settlement. The only complete statement of the terms of the Proposed Settlement is found in the actual Proposed Consent Decree. A copy of each is attached to this Notice. You may also obtain a copy by writing to:

Brianne Williams
Paralegal
Roderick and Solange MacArthur Justice Center
Northwestern University School of Law
375 E. Chicago Ave.
Chicago, IL 60611

5. Reasons for Settlement: Class counsel have concluded that the terms and conditions of the Proposed Settlement are fair, reasonable, and adequate and are in the best interests of the class. In reaching this conclusion, Class counsel have carefully analyzed the benefits of settlement and the risks of an unfavorable outcome in this litigation, as well as the length of time that would be needed to prosecute this case through a trial and possible appeals.
6. If you do not object to the Proposed Settlement: If you do not object to the Proposed Settlement, you do not have to do anything, but you may write a letter of support in

favor of the Proposed Settlement.

7. If you object to the Proposed Settlement: If you believe the Court should not approve the settlement of this case because you object to the terms of the Proposed Settlement, you may object. If you wish to object, you must object in writing. Objections must include the following information:
 - a. The case name and number: *M.H. v. Monreal et al.*, Case No. 12CV8523;
 - b. Your full name and contact information; and
 - c. What it is exactly that you object to about the Proposed Settlement, with an explanation as to why you object.

For your objection to be considered by the Judge, you must mail it by 2014 to Class counsel:

Brienne Williams
Paralegal
Roderick and Solange MacArthur Justice Center
Northwestern University School of Law
375 E. Chicago Ave.
Chicago, IL. 60611

Class counsel will collect the objections and give them to the court prior to the fairness hearing mentioned below.

8. Fairness Hearing: The Court will hold a fairness hearing on _____, 2014 in the U.S. Federal Courthouse, at 219 South Dearborn Street, Chicago, Illinois, to decide whether or not to approve the Proposed Settlement. If the Judge decides that the Proposed Settlement is fair, adequate, and a reasonable compromise of this case, then the Proposed Settlement will become final.