

Roderick and Solange MacArthur Justice Center

LOCKE E. BOWMAN
Executive Director and
Clinical Professor of Law
312.503.0844
l-bowman@law.northwestern.edu

SHEILA A. BEDI
Clinical Associate Professor of Law
312.503.2492
sheila.bedi@law.northwestern.edu

DAVID M. SHAPIRO
Clinical Assistant Professor of Law
312.503.0711
david.shapiro@law.northwestern.edu

ALEXA VAN BRUNT
Clinical Assistant Professor of Law
312.503.1336
a-vanbrunt@law.northwestern.edu

VANESSA DEL VALLE
Clinical Assistant Professor of Law
312-503-5932
vanessa.delvalle@law.northwestern.edu

JOHN CONROY
Senior Investigator
312-503-3049
john.conroy@law.northwestern.edu

DAVID J. BRADFORD
General Counsel
312.222.9350
dbradford@jenner.com

FOR IMMEDIATE RELEASE: Oct. 27, 2016

CONTACT: Sheila A. Bedi, MacArthur Justice Center
312-503-2492 (sheila.bedi@law.northwestern.edu)

Alan Mills, Uptown People's Law Center
773-769-1411 (alan@uplcchicago.org)

ILLINOIS WILL NOW COMPLY WITH 1973 U.S. SUPREME COURT DECISION REQUIRING DUE PROCESS FOR PAROLE REVOCATIONS

State agrees to provide attorneys to poor people facing re-imprisonment as part of class action settlement

CHICAGO –The state of Illinois will provide attorneys to eligible parolees who are accused of violating their parole, and will overhaul the parole revocation to ensure that the hearing process is fair and adheres to the requirements of the U.S. Constitution, according to terms of a settlement of a federal lawsuit. U.S. District Judge Amy St. Eve granted the settlement preliminary approval on Thursday and scheduled a Jan. 25 fairness hearing, during which the court will consider any objections to the settlement.

The case against the Illinois Department of Corrections (IDOC) and the Illinois Prisoner Review Board (IPRB) alleged the state parole revocation process violated due process rights of parolees re-imprisoned for alleged parole violations without an adequate hearing and access to legal counsel.

“Over 28,000 men and women throughout the state of Illinois are on parole and were at risk of having their lives disrupted by Illinois’ byzantine and dysfunctional parole revocation system,” said Sheila A. Bedi, Associate Clinical Professor of Law at the Northwestern School of Law and an attorney with the Roderick and Solange MacArthur Justice Center. “This settlement will provide essential protections for people going through the parole revocation process and, if implemented correctly, should significantly reduce the number of people are re-imprisoned for parole violations.”

– more –

Attorneys for the MacArthur Justice Center and Uptown People's Law Center filed the class action civil rights case in U.S. District Court for the Northern District of Illinois in 2013.

Terms of the settlement reached with IDOC and IPRB include:

- Parolees will receive written notice of any alleged parole violation leading to revocation and written findings at each stage of the process.
- Parolees will be able to explain their side at a preliminary hearing before a hearing officer or an IPRB member. If determination is made that a parole violation did not occur, the parolee will be released. Previously, preliminary hearings were rarely held, and people sat for months before anyone heard their defense.
- If the preliminary hearing results in a determination that probable cause exists to believe a violation occurred, the parolee will be able to present his/her case for release at a final revocation hearing, conducted by members of the IPRB.
- At preliminary and final hearings, many parolees will be represented by legal counsel provided by the state, if they meet certain criteria.
- IDOC and IPRB will adhere to deadlines for prompt hearings and final decisions.
- An independent monitor will be appointed to help IDOC and IPRB comply with the settlement agreement and report on the status of compliance.

“For years, the Illinois parole revocation process has left alleged parole violators in the dark and unable to defend themselves. The vast majority lost their freedom in phony hearings that lasted only minutes and stripped them of their constitutional right to due process,” said Alexa Van Brunt, Clinical Assistant Professor of Law and attorney for the MacArthur Justice Center. “The system seems intent on keeping prison doors revolving. The rush to reincarcerate has helped keep prisons overcrowded, but has not helped keep our neighborhoods safe.”

“Most people think that if you are facing prison in this country, you are entitled to a lawyer. That has not been true in Illinois, where thousands of people every year are returned from parole to prison without a lawyer, or a proper hearing. With this settlement, we expect that many people will now win their parole revocation hearings, which will help relieve the massive overcrowding in Illinois prisons,” said Alan Mills, Executive Director of Uptown People’s Law Center.

All people in Illinois who are on parole will have an opportunity to comment on the terms of the settlement before they go into effect.

###

About the Roderick and Solange MacArthur Justice Center

Founded in 1985, the Roderick and Solange MacArthur Justice Center is one of the premier civil rights law firms in the United States. The MacArthur Justice Center has offices in Chicago, St. Louis, New Orleans, and Oxford, MS. For additional information, visit <http://www.law.northwestern.edu/legalclinic/macarthur/> Follow us on Twitter (@MacArthrJustice) and on Facebook (www.facebook.com/macarthurjusticecenter) for timely updates.

***[Uptown People’s Law Center \(UPLC\)](#)** is a nonprofit legal services organization specializing in prisoners' rights, Social Security disability, and tenants' rights and eviction defense. UPLC currently has nine pending class action lawsuits against the Illinois Department of Corrections.*