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PAROLE REVOCATION HEARINGS RESULT IN THE ARBITRARY IMPRISONMENT OF THOUSANDS OF ILLINOISANS, CIVIL RIGHTS LAWSUIT CHARGES

CHICAGO –People released from state prisons routinely have their constitutional rights violated and are re-imprisoned for alleged parole violations without a fair hearing, access to legal counsel or the ability to cross-examine witnesses and review evidence presented at “sham” hearings, according to a class action lawsuit filed Tuesday in U.S. District Court against the directors of the Illinois Prisoner Review Board (PRB) and the Illinois Department of Corrections (DOC) and Governor Pat Quinn.

More than 10,000 unlawful parole revocations hearings are held in Illinois each year. The hearings typically last five minutes or less, and nearly all end with the imprisonment of the alleged parole violator, even when courts have dismissed the criminal charges that prompted the hearings in the first place, according to the complaint

Filed by the Roderick and Solange MacArthur Justice Center and the Uptown People’s Law Center, the class action civil rights case describes a “procedural vortex” that rotates people in and out of the prison system—often on the basis of unsubstantiated allegations. Once people are re-imprisoned, they are subjected to a “byzantine and complex” process where parolees are pressured to make decisions and argue for their freedom without any advice from a lawyer, which is a direct violation of their constitutional rights.

“The Illinois parole revocation process is a disgrace,” said Alexa Van Brunt, Clinical Assistant Professor of Law and attorney for the MacArthur Justice Center. “The whole purpose of parole is to ensure that when people leave prison, they become law-abiding citizens. But the very system that is supposed to teach people reverence for the law has been operating in direct violation of it for at least 40 years.”

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According to Alan Mills, Legal Director of the Uptown People's Law Center, the violations alleged in the complaint have far reaching consequences. "Illinois operates one of the most over-crowded prisons systems in the country," Mills said. "Forty percent of people who enter prison each year do so because they allegedly violated the terms of their parole. Because the system provides almost no procedural protections to parolees, there is no mechanism to quickly identify and release those parolees who simply do not need to be in prison. Reforming this broken system will go a long way toward addressing over-crowding in Illinois' prisons."

"The parole system in Illinois not only violates the constitutional rights of thousands of individuals, the impact of this unfair system impacts all of us," said Sheila Bedi, Clinical Associate Professor of Law and attorney for the MacArthur Justice Center. "Overcrowded prisons that warehouse become breeding grounds for more crime. Sending men and women back into prison without any semblance of a fair hearing or proven accusation of wrongdoing just compounds that problem and makes it even more difficult for them to put their lives back together when they finally are allowed to return home."

The lawsuit contends that the hearings administered by the defendants have violated the due process requirements established by the U.S. Supreme Court in the *Gagnon v. Scarpelli* decision, which requires the state-funded appointment of counsel for each parolee who has a plausible claim that he or she did not commit an alleged violation, has mitigating evidence explaining why revocation is inappropriate and/or is unable to speak on his or her own behalf.

The lawsuit asks the U.S. District Court to order PRB and DOC to halt these illegal parole revocation proceedings and to ensure that each eligible parolee is provided with a state-funded attorney for the entire parole revocation process.

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About the Roderick and Solange MacArthur Justice Center

The Roderick and Solange MacArthur Justice Center advocates for human rights and social justice through litigation. As one of the nation's premier civil rights organizations, the MacArthur Justice Center has played a prominent role in bringing Chicago police misconduct and torture to the public's attention and has helped wrongfully convicted men and women win multi-million dollar verdicts and settlements as compensation for the time they spent in prison. Among its other cases, the Center has helped lead the fight against capital punishment in Illinois, has fought for the rights of the indigent in the criminal justice system, challenged the detention of terrorism suspects without trial or access to the courts, and has launched legal battles on behalf of juvenile parolees deprived of their rights to a fair hearing and legal representation.

For additional information, visit

<http://www.law.northwestern.edu/legalclinic/macarthur/>