

April 3, 2020

Chief Justice Anne M. Burke  
Supreme Court of Illinois  
160 North LaSalle Street  
Chicago, IL 60601

Chief Judge Timothy C. Evans  
Circuit Court of Cook County  
50 West Washington Street  
Chicago, IL 60602

Presiding Judge Michael P. Toomin  
Cook County Juvenile Center  
1100 S. Hamilton Ave.  
Chicago, IL 60612

Public Defender Amy Campanelli  
Office of the Cook County Public Defender  
69 W. Washington  
Chicago, IL 60602

State's Attorney Kim Foxx  
Office of the Cook County State's Attorney  
69 W. Washington  
Chicago, IL 60602

(via email)

Dear Chief Justice Burke, Chief Judge Evans, Presiding Judge Toomin, Public Defender Campanelli, and State's Attorney Foxx,

The spread of COVID-19 is a national emergency that threatens thousands of lives across our country. Governor Pritzker, Mayor Lightfoot, and Chief Judge Evans have recognized the extreme risk the virus poses to our state, county, and city and have taken drastic and necessary measures to reduce its spread.<sup>1</sup>

Jails, prisons, and detention centers constitute a uniquely dangerous environment for highly contagious viruses to flourish and spread like wildfire. According to health experts, COVID-19 spreads fastest in closed environments like detention centers and jails, making efforts to enforce "social distancing" nearly impossible without a significant effort to de-populate.<sup>2</sup> Simply introducing a single person with the

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<sup>1</sup> In an effort to address concerns about the spread of COVID-19 in this unprecedented moment, Governor J.B. Pritzker, the Illinois Supreme Court, and Chief Judge Timothy Evans, entered several orders. *See e.g.*, Executive Order 2020-10, March 20, 2020 (requiring residents to "stay-at-home" and providing social distancing requirements), available at <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-10.aspx>; Executive Order 2020-13, March 26, 2020 (eliminating nearly all admissions to the Illinois Department of Corrections), available at <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-13.aspx>; *In re Illinois Courts Response to COVID-19 Emergency*, M.R. 30370 (Illinois Supreme Court orders relating to COVID-19 and Court procedures), available at <http://illinoiscourts.gov/SupremeCourt/Announce/default.asp>; and Circuit Court of Cook County COVID-19 and Court Operations Announcements, Dated March 13, 2020 and March 30, 2020 (providing for limited and emergency court services from March 17-May 18, 2020), available at <http://www.cookcountycourt.org/HOME/INFORMATIONREGARDINGCORONAVIRUS.aspx>.

<sup>2</sup>Daniel A. Gross, "It Spreads Like Wildfire:" *The Coronavirus Comes to New York Prisons*, *The New Yorker*, March 24, 2020, available at <https://www.newyorker.com/news/news-desk/it-spreads-like-wildfire-covid-19-comes-to-new-yorks-prisons>; German Lopez, *A Coronavirus Outbreak in Jails and Prisons*, *Vox*, March 17, 2020, available at <https://www.vox.com/policy-and-politics/2020/3/17/21181515/coronavirus-covid-19-jails-prisons-mass-incarceration>; Jean Casella and Katie Rose Quandt, *US Jails will become Death Traps in the Coronavirus Pandemic*, *The Guardian*, March 30, 2020, available at <https://www.theguardian.com/commentisfree/2020/mar/30/jails-coronavirus-us-rikers-island>; Tyler Kingkade, *Coronavirus in Juvenile Detention is a "Nightmare Scenario," Doctors and Advocates Say*, *NBCNews.com*,

virus can affect not just everyone inside the jail or prison, including the staff who enter and leave the facility, but can ultimately spread to nearby communities, overwhelming hospitals and health systems, and effectively nullifying other efforts to “flatten the curve.” It is therefore imperative to consider ways to limit our jail and prison populations, including that of the Juvenile Temporary Detention Center (JTDC).

We are aware of several efforts to review youth cases for release to shelter-in-place at home. However, despite an increase in detention review hearings during the last week of March, many youth remain in custody. As of April 1, there were still 171 youth detained at the JTDC. A juvenile assistant public defender and a JTDC staff member have tested positive for the virus. It is only a matter of time before the situation becomes untenable and life-threatening for youth, staff, court personnel, and the larger community.

According to Physicians for Criminal Justice<sup>3</sup>:

Juvenile courts have an obligation to avoid the preventable spread of COVID-19 amongst the youth in their care. The COVID-19 outbreak puts young people at unnecessary risk of illness and of becoming carriers of the disease. Further detention and incarceration of any minors who can safely remain at home with families and/or caretakers is inconsistent with the rehabilitative goals of the juvenile justice system and contrary to public health recommendations.

Moreover, the notion that detaining youth during the COVID-19 pandemic will keep youth and communities safer, is simply false.

- Detention and correctional facilities are designed to maximize control of the young people in their population, not to minimize disease transmission or to efficiently deliver health care.
- The anxiety and emotional distress youth may feel when removed from the home and incarcerated is exacerbated by COVID-19.
- According to Youth Correctional Leaders for Justice, “[l]ocking youth up exacerbates mental illness, dramatically increases the risk of self-harm and is associated with risks lasting into adulthood, including poorer overall general health and increased incidence of suicide.”<sup>4</sup>

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March 27, 2020, available at <https://www.nbcnews.com/news/us-news/coronavirus-juvenile-detention-nightmare-scenario-doctors-advocates-say-n1170256>.

<sup>3</sup> Physicians for Criminal Justice Reform are physicians advocating to eliminate the damaging health consequences that can result from negative interactions with the criminal justice system. See Open Letter: COVID-19 Risks for Detained and Incarcerated Youth, <https://pfcjreform.org/covid-19-risks-for-detained-and-incarcerated-youth/>.

<sup>4</sup> Youth Correctional Leaders for Justice is a coalition of current and former leaders of youth justice agencies. YCLJ issued recommendations for Youth Justice Systems during the COVID-19 emergency which can be found at <https://yclj.org/covid19statement>

- Social distancing measures recommended by the Centers for Disease Control are nearly impossible to maintain in detention centers and can only be successfully implemented at the JTDC if the population is drastically reduced. The number of youth at the JTDC makes it difficult for the youth to be able to social distance from each other during meals and day room activities that have been implemented to keep the youth engaged.

We know how seriously judges take their duty to protect the safety of both young people in the JTDC and surrounding communities. The health, well-being, and indeed, the lives of these people are in your hands. We urge you to take immediate and decisive action now. We urge you to take steps necessary now to protect the health of people in our community, including the most vulnerable youth in our care.

**We recommend that you prioritize general public health and safety and the physical and mental health of detained youth, reviewing each young person for any possible release options that can reduce traumatic stress and risk of disease.** In particular, we request that you immediately grant the release of all youth who both the Office of the State's Attorney and Public Defender have evaluated and determined can be safely returned home. In addition, we ask that the Cook County Juvenile Justice elected officials provide weekly data regarding the number of children detained, number of detention review hearings, number of children released per these hearings, and number of cases wherein the Juvenile Division of the Cook County Court rejected a joint request for release. We are concerned that the longer we wait, the more probable it is that there will be a devastating outbreak of COVID-19 in the JTDC, destabilizing the institution and preventing youth from accessing safety and care.

As advocates, we are committed to working with JTDC staff to ensure that the youth who are being released receive the necessary support to successfully transition to living in their home. We are also committed to providing all the families of released youth with a list of resources that will be available for them in their community during this difficult time.

Thank you so much for all that you are all doing to support the rehabilitative mission of the juvenile courts. We are committed to working with you all in any way possible to reduce the population at the JTDC.

Sincerely,

(signatures below)

cc: Maryam Ahmad, Chief, Juvenile Justice Bureau, Cook County State's Attorney's Office  
Avik Das, Director and Chief Probation Officer, Circuit Court of Cook County  
Leonard Dixon, Superintendent, Cook County Juvenile Temporary Detention Center  
Marcia M. Meis, Director, Administrative Office of the Illinois Courts  
Trina Smith, Chief, Juvenile Division, Cook County Public Defender's Office

(signatures via <https://ilyouthprisonscovidresponse.com/our-detention-letter> updated April 21, 2020)

## Organizations

Action Now	HANA Center
Adler University	Heartland Alliance
American Friends Service Committee - Chicago	Illinois Collaboration on Youth
Believers Bail Out	Illinois Justice Project
BYP100 Chicago	Illinois Juvenile Justice Commission
Cabrini Green Legal Aid	Illinois Religious Action Center of Reform Judaism (RAC-IL)
Chicago Alliance Against Sexual Exploitation	John Howard Association
Chicago Appleseed Fund for Justice	Juvenile Justice Initiative
Chicago Books to Women in Prison	Juvenile Justice Ministry — Youth for Christ
Chicago Community Bond Fund	League of Women Voters of Illinois
Chicago Lawyers' Committee for Civil Rights	League of Women Voters of Oak Park and River Forest
Chicago Torture Justice Center	Legal Council for Health Justice
Chicago Urban League	Liberation Library
Center on Wrongful Convictions, Northwestern University Pritzker School of Law	Little Village Environmental Justice Organization
Children and Family Justice Center, Northwestern University Pritzker School of Law	Love & Struggle Photos
Civitas ChildLaw Center, Loyola University of Chicago School of Law	National Lawyers Guild, Northwestern Chapter
Communities United	Northwest Side Housing Center
DuSable Community Coalition	Precious Blood Ministry of Reconciliation
Free Write Arts & Literacy	Public Media Institute
Freedom to Thrive Oak Park	Restore Justice Foundation

Restore Justice Illinois  
Safer Foundation  
Shriver Center on Poverty Law  
Strengthening Chicago's Youth  
The Campaign for the Fair Sentencing of Youth

Unitarian Universalist Prison Ministry of  
Illinois  
United Methodist Women of Hazel Crest UMC.  
University Church of Chicago  
University of Chicago Bridge Writing  
Workshop  
Youth Advocate Programs

**Individuals**

A. Naomi Paik	Amy Halbrook	Boke Saisi
Abigail Flood	Amy Meek	Candance Chow
Abigail Henkin	Anavictoria Avila	Carlos Ramirez
Ace Breaux	Andrea Durbin	Carol Horton
Adam Masters	Andrea Hayner	Caronina Grimble
Alice Fine	Andrew Papachristos	Cate Readling
Alice Shechter	Ann Adams	Celeste Aguirre
Alison Flaum	Anne d'Aquino	Chris Inserra
Alison Merz	Aquilla Pittman	Christina Howard
Rev. Allison Farnum	Arielle Tolman	Claire Smeltzer
Alla Alaghbri	Arron Kruse	Danielle Worthy
Alyssa Soren	Arti Walker-Peddakotla	David Swanson
Amalia Golomb-Leavitt	Asha Ransby-Sporn	Dawn Ewing
Dr. Amanda Klonsky	Audrey Gerdt	Deanna Pacelli
Amanda Roach	Ayinde Jean-Baptiste	Deborah Harris
Amarachi Abakporo	Barbara Engel	Devin Day
Amy Cho	Bettina Johnson	Diane Geraghty

Diane Luna	Heather Renwick	Julia Masters
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Eden Staten	Isra Omar	Julie Webb
Elaine Boby	Jacob Rothschild	Jumoke Taiwo
Elena Quintana	Jan Goldberg	Karen Mooney
Elgin Smith	Janet Kittlaus	Kathy Murphy
Elise Marie	Janice Gintzler	Katia Perez Fuentes
Elizabeth Goldsmith	Janie Sanford	Kayla Freeman
Elizabeth Lukehart	Dr. Jean Goldsmith	Kellyn Lewis
Elizabeth Tillar	Jeff Granger	Kendrick Washington
Emily Sippola	Jen McElroy	Kenneth Abell
Emily Wood	Jeniece Fleming	Kerri Bloom
Emma Marsano	Jennifer Tarnoff	Kevin Barnhart
Emma Sawyer	Jessica LaChance	Kiran Nizamani
Emma Sherman	Jobi Cates	Laura Buttitta
Erin Preston	John McLees	Laura Davis
Erin Weinstein	Jon Cox	Laura Warner
Fai Nelson	Jonathan Blair	Laurel Bornman
Fern Ramoutar	Jonathan Glass	Lauren Woomer
Gabriel Frankel	Jordie Davies	Laurene Heybach
Genna Mastellone	Joshua Henkin	Leah Fluecke
Glenna Broderick	Julia Gottlieb	Lee Hasselbacher
Grace Dalton	Julia Hannafin	Linda Hamilton

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State Rep. Lindsey LaPointe	Rebecca Pellegrino	Sharlyn Grace
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Lisa Parsons	Reginald Guy II	Sophia Kortchmar
Lisa Pintado-Vertner	Rick Velasquez	Spencer Rose
Lise McKean	Rishi Awatramani	Stephanie Agnew
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Martha McConnell	Sam Warzecha	Susan Salidor
Maryam Kashani	Sandra Rigsbee	Susan Shelton
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Michele Rivkin	Sara Sommervold	Taylor Meyer
Mollie Nye	Sarah Herning	Theodore Watler
Molly Block	Sarah Jane Rhee	Thomas Geraghty
Natalie Neris	Sarah Staudt	Thomas Hagan
Newland Smith	Sarah Yousuf	Tony Hintze
Nick Wylie	Savannah Felix	Veronica Johnson
Nicole Greal	Scott Main	William McPhereson
Nikki McDaid-Morgan	Sean Kase	
Olivia Blocker	Seth Mayo	