ILLINOIS SHERIFFS' ASSOCIATION

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Rob Jeffreys, Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
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June 17, 2021

Re: DOC Sentenced Inmates in County Jails

Director Jeffreys:

The Illinois Sheriffs' Association (ISA) is a statewide organization that represents all 102 Sheriffs in the State of Illinois. I am writing again today regarding the ongoing issues surrounding the Illinois Department of Corrections (DOC) continued unwillingness to accept sentenced inmates from county jails across the State of Illinois.

Issued on July 27, 2020, Executive Order 2020-50 indicates that you "[would] resume accepting the transfer of individuals from Illinois county jails." IDOC was to determine "the scheduling of the arrivals and the intake process to ensure the health and safety of the transferring individuals, as well as all individuals and staff at IDOC" based on "several health and safety factors." Finally, and almost ironically at this point, you were ordered to "work closely with county sheriffs and other partners in the criminal justice system to determine whether transfer from specific county jails is feasible and to ensure that the guidelines will be implemented."

As listed in Order 2020-50, IDOC's need to evaluate "several health and safety factors" when accepting transfers to its custody was predicated on several circumstances listed in the order, including:

- Numerous [33] counties all around the State had reported more than 75 COVID cases per 100,000 people over the past 10 days;
- IDOC had a population of more than 31,000 male and female individuals in 28 facilities;
- IDOC inmates, because of their close proximity and contact with each other in housing units and dining halls, are especially vulnerable to contracting and spreading COVID-19;
- individuals in county jails awaiting transfer to IDOC facilities, because of their close proximity to and contact with each other, may have been infected with COVID-19; and
- IDOC continues to have limited housing capacity to isolate and quarantine individuals who present as symptomatic of, or test positive for, COVID-19.

None of these listed factual circumstances supporting the Governor's order remain true, or even remotely true, today. On July 27, 2020, there were 1231 new COVID cases statewide. On Monday, there were 165. According to IDOC, there are only 7 inmates in custody currently positive for COVID-19 and its total population has been reduced by some 10,000 inmates in the last year. At Cook County Jail, there are also only 7 persons in custody who are positive. You already know, given the continued mandate that county jails quarantine and test, persons transferred to your custody will not be positive for COVID-19. Even the link to the IDPH's IDOC protocols, cited in the order, no longer works.

As you know, the Governor has moved our State into Phase 5 which according to the Illinois Department of Public Health means that "all sectors of the economy reopen with new health and hygiene practices permanently in place. Large gatherings of all sizes can resume. Public health experts focus on lessons learned and building out the public health infrastructure needed to meet and overcome future challenges". This transition is predicated on the fact that the risks of COVID-19 are significantly reduced across the state even in jail settings.

Yet even with the move to phase 5 and the fact that the entire basis for Order 2020-50 has essentially ended, IDOC continues [and in fact, its worsened] to refuse transfer of persons sentenced to their custody. County jails continue to be beholden to an unknown schedule of transfers, unknown criteria for which transfers are allowed for, no reimbursement established for the inmates that the counties have already dropped on them and no consistent dialogue or explanation as to when this will be changed. This is so even though what was unsafe in July of 2020 is no longer an issue.

At this point, any effort by IDOC to keep persons safe appears to simply be an effort to keep things easy and that violates the Governor's order. You are mandated to accept person remanded to your custody in his order. Yet as the positivity rates have collapsed, the total number of positive persons in your custody has dropped, the over-all availability of testing and hospital beds has increased, IDOC has not increased transfers as would be logical and obvious given the Governor's opening of the state. Though required by the Governor's order, IDOC is not evaluating any health and safety factors when it determines transfer scheduling. This is illegal and subject to judicial review.

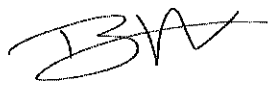
Sheriffs in every county have had this burden dropped at their feet while DOC continues to decrease its inmate population to now approximately 26,000 inmates. In an effort to put that number in perspective, the DOC inmate population was approximately 48,000 inmates in January 2015. Sheriffs have met the health parameters established in August of 2020 as set by Governor Pritzker. Sheriffs should not and cannot continue to provide for the statutory responsibilities that are mandated to DOC, nor should they be expected to, as the risks of COVID-19 have reduced.

We are unaware of any other state in the country that is being forced to adhere to the system or actions that Illinois Sheriffs and their counties are facing. Sheriffs have been, and continue to be, willing to do what is necessary to protect all members of their communities, but the process being dictated, with little or no discussion, needs to cease and DOC needs to reassume its statutory obligations immediately. Neither Sheriffs, nor counties, agreed to provide these services in lieu of DOC. The increased burden that this has created for

staff, county facilities and local taxpayers is irresponsible. DOC's budget for FY 22 certainly does not demonstrate a decrease in their population as it now stands at $1,543,445,775, all while the Sheriffs have housed DOC sentenced inmates and DOC parole violators for approximately 500,000 days since March 26, 2020. Sheriffs are elected and sworn to keep their communities safe. This continued recalcitrance by the Department is risking that. We cannot continue to demand the hours of correctional staff to meet this unfair and irresponsible action of the Department, while space is clearly available to place these individuals.

Please reach out to me as soon as possible so that we can resolve these issues.

Regards,



Sheriff Brian VanVickle, Ogle County, ISA President