

April 2, 2020

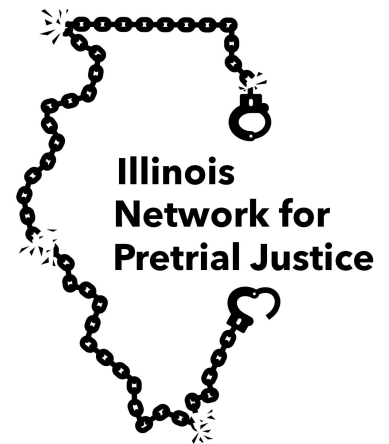
Mr. Jim Rowe  
Kankakee County State's Attorney Department  
450 East Court Street  
Kankakee, IL 60901

Hon. Michael D. Kramer  
Chief Judge, 21st Judicial Circuit  
450 East Court Street  
Kankakee, IL 60901

Mr. Ken McCabe  
Kankakee County Sheriff's Office  
3000 South Justice Way  
Kankakee, IL 60901

Ms. Chasity Wells-Armstrong  
Mayor, City of Kankakee  
304 South Indiana Avenue  
Kankakee, IL 60901

Mr. Frank Kosman  
Chief, Kankakee Police Department  
385 East Oak Street  
Kankakee, IL 60901



**Re: The Need For Immediate Action By Illinois County and Municipal Officials To Ensure Public Safety During the COVID-19 Pandemic**

Dear Mr. Rowe, Judge Kramer, Mr. McCabe, Ms. Wells-Armstrong, and Mr. Kosman:

The COVID-19 pandemic represents an unprecedented threat to all Illinois residents, and particularly to incarcerated people. People in custody, either in police lockups or jails, are simply unable to perform the “social distancing” that is essential to slow the rate of infection. If any law enforcement officer or person in custody becomes infected with the virus, jails and lockups are exceptionally vulnerable to widespread contagion. Anyone exposed to coronavirus who is taken into custody at a lockup or jail places hundreds of people there at risk of infection. For these reasons, public health experts have warned that jails are likely to become [an epicenter](#) of the coronavirus pandemic in the United States.

It is not a question of *if* but *when* an outbreak of coronavirus occurs in your police detention facility or county jail, and the impact will not be limited to those people who are detained. Coronavirus symptoms are frequently life-threatening and are beyond the capacities of a jail

infirmary. That means it will be impossible to keep infected detainees within the jails. Rather, they will need to be referred to outside hospitals, which can easily overwhelm a local health system—especially if many people within a jail contract coronavirus at the same time. Cases of COVID-19 have already been confirmed in jails and prisons across the country including [New York's Rikers Island](#), [Pennsylvania's George W. Hill Correctional Facility](#) and [New Jersey's Bergen County Jail](#).

Jurisdictions across the country have recognized this grave risk. To combat it, they have begun taking measures to *reduce the number of people in custody significantly*, both by reducing the number of people taken into custody, and by increasing the number of persons discharged from jail.

We are calling on the Kankakee County Sheriff, Chief Judge of the Circuit Court, State's Attorney and the Kankakee Mayor and Police Department to take the following steps aimed at decarcerating in the name of public health. Doing so will protect those incarcerated and working inside police lockups and jails and the larger community.

### **All City and County Stakeholders**

1. **All people brought into jails or police stations must be thoroughly screened for COVID-19.** All individuals detained in any space must immediately be given access to a thorough screening consistent with recommendations by the CDC.
2. **Patrol and correctional officers should be given access to testing and medical care.** Law enforcement officers should have access to testing, and should be encouraged not to report for duty if they feel ill.

### **Kankakee County Sheriff Ken McCabe**

1. All individuals incarcerated due to an unpaid money bond should be released from custody and not onto electronic monitoring unless already ordered by a judge. If a judge has given someone a money bond, it means that they've determined the person is cleared for release pretrial. Their ongoing incarceration due solely to access to money is deeply unfair and unethical, especially during this pandemic.
2. No new people should be admitted to Kankakee County Jail on money bonds. Admission should be avoided for as many people as possible.
3. Kankakee County should immediately release individuals over the age of 50 or with compromised immune systems from Kankakee County Jail. [Research](#) has shown that these individuals are at the highest risk for contracting and experiencing the most serious effects of COVID-19.

4. The ability to pay money bonds and secure pretrial release for people currently incarcerated in the jail or on EM should not be delayed or inhibited in any way.
5. People eligible for electronic monitoring must continue to be released into the community. If a person is ordered to EM but does not have access to approved housing, they should be immediately returned to court for a rehearing on their conditions of release.
6. If courts remain open, appearance at non-essential criminal court dates should be waived to avoid unnecessary travel and social contact. All in-person pretrial check-ins or other mandated appearances (such as drug testing) should also be waived.
7. Cancellation of court dates should not delay anyone's release from Kankakee County Jail.
8. A moratorium should be placed on "turnarounds," the process by which someone sentenced to time served travels from Kankakee County Jail to an Illinois Department of Corrections facility to dress in and dress out on the same day. People sentenced to time served should be released directly from Kankakee County Jail.
9. Health care access for anyone remaining in Kankakee County Jail must be liberally provided and unfettered.
10. Access to phone calls and video "visitation" should be expanded for all incarcerated people right now and moving forward. This access should be provided free of charge.
11. Personal hygiene, cleaning, and sanitation supplies should be made available free of charge to anyone that remains incarcerated. Hand sanitizer and other essential preventative products must be permitted and should not be considered "contraband."

**City of Kankakee Mayor Chasity Wells-Armstrong and Police Chief Frank Kosman**

1. Limit contacts, stops and warrant enforcement to situations where there is a reasonably imminent concern for public safety. Arrests should be limited to situations where there is a clear and present danger of imminent physical harm. Police should avoid arresting individuals for all non-violent crimes, including crimes related to substance use.

2. The local governments should instruct police officers and sheriff's deputies to take individuals into custody only as a last resort. Police should maximize the use of citations for as many criminal charges as possible.
3. Police should stop conducting arrests because of outstanding warrants. Police departments should work with local Circuit Courts to immediately suspend all warrants, and especially warrants related to probation violations, missed court dates, and financial penalties. Police officers should also be instructed not to conduct arrests for these warrants.
4. No custody for immigration violations. Localities should avoid transfers of detainees for immigration violations, as immigration detention facilities are at particular risk for the spread of COVID-19.
5. All individuals in custody must be given unfettered and free access to hygienic products. All individuals who have been arrested must be given unfettered access to soap, hand sanitizer, and other hygienic items free of charge.
6. These actions are a necessary first step to minimize the likelihood of an outbreak and to contain the outbreak in Illinois. The organizations below stand ready to assist the administration of this project.

### **Kankakee County State's Attorney Jim Rowe**

1. Immediately nolle pros all pending misdemeanors and class 4 felony cases not involving allegations of violence;
2. Decline to file new charges in cases that do not involve danger to a specific person;
3. Agree to release most people seeking bond reviews from custody on I-Bonds; and
4. Cease filing Violations of Probation and Violations of Bail Bonds for technical violations or reasons not involving danger to a specific person.

Please contact the Illinois Network for Pretrial Justice at (224) 442-0419 or ILNetworkForPretrialJustice@gmail.com to discuss these proposals. We are ready to support your efforts in decarceration.

*Signed,*

Illinois Network for Pretrial Justice

Gamiel Illinois

John Howard Association of Illinois

Liberation Library

Loevy & Loevy

RAC-IL

Restore Justice

Shriver Center on Poverty Law

Students for a Sensible Drug Policy

Unitarian Universalist Prison Ministry

Uptown People's Law Center