

Federal Court Certifies Class in Lawsuit Challenging Excessive Solitary Confinement in Illinois Prisons

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On June 14, 2021, the United States District Court for the Southern District of Illinois certified a class action challenging the constitutionality of the excessive use of extreme isolation (various forms of solitary confinement) by the Illinois Department of Corrections (IDOC). The Court certified a class of all state prisoners (over 28,000) represented by Winston & Strawn LLP and the Uptown People's Law Center. Accordingly, the ruling expands the case from the six named plaintiffs to a class of all state prisoners seeking declaratory and injunctive relief against the IDOC's policies and procedures resulting to the excessive use of extreme isolation.

In certifying the class action, the Court cited voluminous documentary and testimonial evidence showing that thousands of inmates have been held in "restrictive housing," that hundreds have been in solitary confinement for multiple years on end, and that 78 prisoners had been held in solitary confinement for at least ten years. The Court cited evidence from national experts showing that such excessive use of restrictive housing causes severe mental illness. The Court also cited evidence that IDOC excessively used solitary confinement as punishment for minor infractions and that IDOC disciplinary hearings resulting in the imposition of this punishment were "bogus," meaning that inmates were afforded meaningless due process.

The Court also cited evidence that the conditions of solitary confinement often are horrific." Some cells have nothing but a bed, toilet, and sink, and are "extremely small" according to experts who toured IDOC facilities. The Court cited evidence that most cells fail to meet American Correctional Association standards (minimum of 80 square feet) and are so small that prisoners have little or no ability to move about their cells. The Court noted evidence that these conditions are concerning because inmates are confined nearly around the clock in their cells, many of which lack windows and adequate ventilation. The evidence showed that many prisoners eat, sleep, and defecate in the same tiny, windowless cells for extended periods of time. The Court observed that the conditions described by experts and inmates were "disturbing, and quite frankly distressing."

Co-lead class counsel at Winston & Strawn LLP, Kimball R. Anderson, observed that the Court's ruling is an important step in reforming Illinois' prison system, which experts cite as one of the worst in the nation. Co-lead class counsel at Uptown People's Law Center Alan Mills concurred: "Illinois' prison system locks up too many people, for too long, in horrific conditions. And as solitary confinement is prison within prison, it, too, is overused. The UN states that over 15 days of solitary is torture, yet sometimes people in Illinois spend decades there. And everyone who spends more than a couple of weeks ends up traumatized."

The team working on this matter includes Winston & Strawn Partner **Kimball Anderson**; Of Counsel **Matthew DaSanto**; Associates **Reid Smith, Michael Toomey, Michael Stern, Ross Corbett**, and **DaWanna McCray**; Data Analysts **Parfait Gasana** and **Shane Otten**; Senior Paralegal **Gregory Skogg**; and CSR & Pro Bono Specialist **Ken Berry**.

Winston & Strawn LLP is global law firm that for more than 160 years has served as a trusted advocate and advisor to clients, including those who cannot otherwise afford access to justice. Uptown People's Law Center (UPLC) is a nonprofit legal services organization concentrating in prisoners' rights, Social Security disability, and tenants' rights and eviction defense.

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