

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

**<https://restorejustice.org/transfers-from-county-jails-could-lead-to-deadly-covid-19-outbreaks-in-illinois-prisons/>**

### Newsletters

As concerned advocates, lawyers, and family members of incarcerated people in Illinois, we stand united in rejecting the transfers of people detained in county jails into the state prison system. We are alarmed by the public health threat posed by the resumption of transfers of people from jail, which endangers the lives of tens of thousands of incarcerated people as well as thousands of people who work in the Illinois Department of Corrections and live in surrounding communities.

When a person is accused of a crime and is jailed pre-trial, they are typically held in one of the 92 county jails across the state of Illinois. If the person pleads or is found guilty of a felony, they are typically transferred to state prison. However, in March, [Governor J.B. Pritzker signed an executive order](#) that allowed the state to temporarily delay all transfers from county jails into Illinois Department of Corrections facilities as part of the larger effort to mitigate the spread of COVID-19. Illinois sheriffs responded with a lawsuit calling into question whether the governor has the statutory authority to delay these transfers. [On July 28, a Logan County Judge determined that the Illinois Department of Correction is required to accept transfers from county jails.](#) Last week, as transfers resumed, the state filed court documents to reverse this temporary order and an appeal to the 4th District Court of Appeals asking the higher court to stay the order.

Advocates have long feared that if the transfer process were to resume without adequate safety measures in place, we would see disastrous results. Unfortunately, we have received almost immediate evidence confirming those fears. On the afternoon of Thursday, August 6th, people who had been detained in Logan County Jail were sent to Stateville Correctional Facility without adequate PPE, shackled together by their ankles, standing just inches apart. Although shackling is common practice in Illinois jails and prisons, the scene was astonishing given the danger of close contact during the pandemic. [Two of those seven people immediately tested positive for COVID, prompting the Illinois Department of Corrections to refuse to accept the group into the prison.](#) These were among the first people to be transferred from county jails to state prisons in Illinois since the beginning of the pandemic in March of 2020.

The decision to resume transfers emerged out of an ongoing legal battle between the State of Illinois and local county sheriffs, who challenged the states decision to freeze transfers during the pandemic. There are serious indicators that several county jails are not taking the necessary measures to protect the health and safety of detained people and jail staff. These include claims that people are being transferred in packed vans, shackled in close quarters, detained without masks, and that most people in county jails are not being tested for COVID-19 before transfer. It appears that most county jails are not abiding by the common-sense measures outlined in Illinois Department of Public Health (IDPH) guidelines for transfer from county jails to prisons, including 14-day quarantine of transferred detainees, social distancing, masking, and testing requirements. Some county sheriffs have claimed that these requirements are impossible to abide by, saying that test results are too slow to return and that waiting to transfer a detained person until their results have arrived is therefore impossible.

The result of these transfers could be disastrous. As lawyers, advocates, and family members of incarcerated people in Illinois, we are concerned because the common-sense measures required to prevent a widespread outbreak of COVID-19 in jails and IDOC facilities are not being followed. People in prison do not live in a vacuumthe corrections officers, janitors, lawyers, and other staff who work in Illinois prisons return home and carry the viral conditions in prisons back to their home communities. Whether because of testing shortages, a lack of training, or lack of compliance by county jail administrators, the current unsafe conditions of these transfers risks leading to large outbreaks and are therefore unsafe for all residents of Illinois.

Transfers between correctional institutions have become a primary vehicle for the spread of COVID-19 in the United States penal system. Illinois should learn from the recent deadly outbreak of COVID-19 at San Quentin State Prison in California, [which resulted from a transfer of incarcerated people from a prison in Southern California.](#) These people were transferred into San Quentin as part of a plan to halt the spread of the coronavirus by reducing the number of people at the California Institution for Men in Chino, [where nine people had already died and nearly 700 had been infected. At the time of the transfer, there were no known cases of coronavirus at San Quentin. Today, more than 1,100 of 3,700 people incarcerated at San Quentin have been infected.](#)

The conditions in jails and prisons make perfect incubators for the novel coronavirus, which spreads fastest in closed environments in which social distancing is difficult and ventilation and sanitation are poor. Until state and county governments are demonstrably enforcing the widely accepted public health practices that reduce contagionsocial distancing, provision of PPE and masks, hygiene, and widespread rapid testingtransfers between county jails and state prisons remain a deadly choice for incarcerated people and the thousands of impacted workers in jails, prisons, and courts. It is also important to note that most small towns where prisons are located in Illinois lack the medical infrastructure inside or outside of prisons to respond to large outbreaks. While the Cook County Jail has a designated medical facility in Cermak Health Center and is located near a world-class medical district, most prison facilities have significantly smaller medical teams and few ICU beds available in nearby hospitals.

Rather than engaging in a game of pandemic hot potato and shifting the blame and responsibility for viral outbreaks from jail to prison administrators and back again state and county officials should work in partnership with IDPH experts to identify strategies to protect the lives of detained and incarcerated people, workers, and their surrounding communities. Until these strategies are safely implemented, jail

transfers cannot resume because they will inevitably further the spread of COVID-19 and endanger the lives of all Illinois residents.

**Signed,**

Chicago Appleseed Fund for Justice

Chicago Community Bond Fund

Illinois Justice Project

Illinois Prison Project

Restore Justice

Uptown Peoples Law Center

Westside Justice Center

My son is an inmate at Western Ill. Correctional Center. Two weeks ago the state transfered in inmates and thank goodness they went on total lockdown, Im not sure if any new inmate were tested or not. Why are these detainees being released into our State prisons with Covid 19 is still happening?

please stop stop the transfer of prison from county jail to state prison help save the lives of many of lur sons and daughters

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