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MADIGAN DEMANDS STATE POLICE ACTION AND ACCOUNTABILITY TO REMEDY BACK LOG OF EXPUNGEMENT ORDERS

Shocking Revelation That Thousands of Orders May Have Been Ignored for Years

Chicago — Illinois Attorney General Lisa Madigan has demanded action and accountability from the Illinois State Police (ISP) following the shocking revelation that ISP has ignored thousands of court orders to expunge or seal records. The Attorney General's office has demanded ISP immediately comply with all valid court orders, conduct a comprehensive audit to determine the scope of the agency's non-compliance and initiate an outreach program to communicate with individuals impacted by the failure to comply with court orders.

"This is an unbelievable defiance of the law," said Attorney General Madigan. "Ignoring these expungement orders negatively impacts the lives of people who deserve a fair opportunity to get a job, find housing and take care of their families. I have taken immediate action to remedy this problem and to hold ISP and Director Larry Trent accountable."

Last week, Attorney General Madigan learned of ISP's failure to comply with years of orders to expunge and seal records entered by circuit court judges in Cook County and in counties across Illinois. The number of orders at issue likely exceeds 6,000 in Cook County alone. Illinois law allows certain criminal and traffic offenses to be expunged or sealed. The expungement and sealing process is critical for people who are seeking employment, job licenses and certificates, or applying for housing or loans.

Yesterday, lawyers from the Attorney General's office and legal aid clinics met with Judge Paul Biebel, the Presiding Judge of the Criminal Division of the Circuit Court of Cook County, to discuss the steps that ISP must take to quickly remedy this situation and ensure complete compliance with the law. These steps include: immediately beginning to comply with the court orders to seal and expunge criminal records; immediately conducting an audit to determine the exact number of orders to expunge and seal records that ISP has failed to comply with; and, equally important, devising an outreach strategy to reach those persons impacted by ISP's failure to follow this law. A formal compliance and remediation order will be entered shortly.

The legal aid attorneys working with the Attorney General's office on the compliance and remediation plan regularly work on expungement and sealing issues and represent the Legal Assistance Foundation of Metropolitan Chicago, the Chicago Legal Clinic - Austin Circle Law Center and the Cabrini Green Legal Aid Clinic.

The parties will meet weekly with Judge Biebel until the situation is remedied. While a formal remediation and compliance order may take some time, key pieces of the plan are expected to be in place within the week.

In the Illinois General Assembly, Rep. Constance Howard (D-Chicago), who has been the leader on expungement and sealing legislation, has introduced HB 3961 to make important changes to strengthen the expungement and sealing statute. State Sen. Kimberly Lightford (D-Westchester) is the chief Senate sponsor of this legislation. Attorney General Madigan is working with Rep. Howard and Sen. Lightford to provide additional amendments to HB 3961 to require transparency and accountability in the process. In response to ISP's failures, the new language will require expungement orders to be entered within 60 days of a court order and will require ISP to report annually to the Governor, General Assembly, Attorney General's office and the Illinois State Appellate Defender's office on the handling of expungement matters.

"I am disappointed," said State Rep. Howard. "Those of us that have been at the forefront of this issue would like to be able to help individuals as they attempt to turn over a new leaf and will do what we can to make certain that benefits are available to atone for

the mistakes that they've made in past. I'm glad that the Attorney General has joined us in the effort to right this wrong."

"I am extremely discouraged by these findings given that laws have been passed and implemented specifically to help individuals trying to overcome poor decisions they made in their past. This is a lost opportunity for thousands of people who are trying to better themselves and make positive contributions in society," said Sen. Lightford. "I look forward to sponsoring this very important piece of legislation in the Senate."

"This is a critical civil rights issue. We must take action to remedy this injustice. Nothing short of these remedies will be acceptable to me or to the people of the State of Illinois," added Madigan.

The documents revealing that ISP had failed to comply with thousands of expungement or sealing orders were discovered as part of an investigation by The Chicago Reporter, which obtained the information through multiple Freedom of Information Act requests to ISP. Based on information provided to the Chicago Reporter by ISP, Madigan's office sent a letter to Director Trent expressing outrage at his agency's systemic failure to follow the law and advising Director Trent that the Attorney General intended to take immediate action to ensure ISP complies with expungement orders. Madigan personally briefed Governor Pat Quinn last Friday afternoon.

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