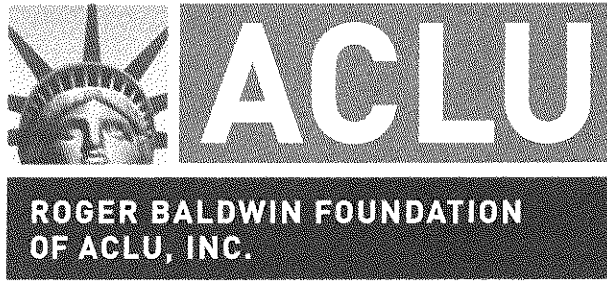


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June 20, 2011

Mr. Steve Godlock  
Office of Jail & Detention Standards  
Illinois Department of Corrections  
100 W Randolph Street, Suite 4-200  
Chicago, IL 60601  
FAX (312) 814-3542

Mr. Mike Funk  
Office of Jail & Detention Standards  
Illinois Department of Corrections  
1301 Concordia Ct. Box 19277  
Springfield, IL 62794  
FAX (217) 522-3906

Dear Messrs. Godlock and Funk:

I write on behalf of Mr. Arick Buckles, who was in custody as a pre-trial detainee at the Bureau County Jail from approximately September 30, 2010 through October 6, 2010. Mr. Buckles, who is HIV-positive, relies upon prescribed medication to manage his condition. The success of HIV treatment requires close adherence to the prescribed schedule of medications. However, during Mr. Buckles' time in Bureau County jail, he received no medication whatsoever, despite the fact that facility officials were aware of his serious medical condition and his need for medication. *See* Letter to Sheriff John E. Thompson, dated June 20, 2011.

The Department of Corrections is required by Illinois statute to "establish for the operation of county and municipal jails and houses of correction, minimum standards for the physical condition of such institutions and for the treatment of inmates with respect to their health and safety and the security of the community." 730 ILCS § 5/3-15-2(a). Accordingly, the Department requires county jails to "provide a competent medical authority to ensure" the availability of specified health care, including the prescription and administration of medications. Ill. Admin. Code tit.20, § 701.90(a).

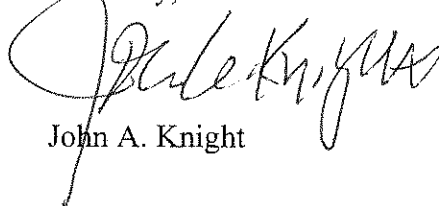
Notwithstanding the Department's statutory and regulatory obligations to ensure that all prisoners in Illinois county and municipal jails receive prompt and adequate medical attention, the ACLU is aware of other instances in addition to Mr. Buckles' experience in which HIV-positive detainees have been denied necessary HIV medications to treat their HIV. The denial of

HIV medication causes serious injury to persons with HIV, since successful HIV treatment, which reduces “HIV-associated morbidity and prolong[s] the duration and quality of survival” requires adherence to the prescribed medication regimens. *See* Panel on Antiretroviral Guidelines for Adults and Adolescents, Guidelines for the use of antiretroviral agents in HIV-1-infected adults and adolescents, Department of Health and Human Services, Jan. 10, 2011, 24-25.<sup>1</sup> The evidence continues to mount that failures to comply with HIV treatment also present a public health risk. *See* Letter from Kevin A. Fenton, M.D., Ph.D. and Jonathan H. Mermin, M.D., M.P.H., dated May 13, 2011, regarding findings of National Institutes of Health (NIH) large-scale clinical study concluding that men and women with HIV reduced their risk of transmitting the virus to their heterosexual partners by 96% when taking oral antiretroviral therapy (ART).<sup>2</sup>

The failure of Bureau County Jail to provide Mr. Buckles his critical medications suggests that that jail should be inspected pursuant to Department’s authority under 730 ILCS § 3-15-2(b) and, depending on the results of that inspection, notice should be given to the Bureau County board and the sheriff. Absent compliance with the Department’s standards within six months, the Department should seek court relief from the Jail.

The repeated nature of these medication denials in Illinois jails suggests a serious need to enhance the jail and prison standards and to increase inspection efforts to ensure that jails are providing HIV medication and HIV treatment as required by the United States Constitution and jail medical care standards. Please promptly respond to the concerns raised by this letter regarding the systematic denial of HIV medication to detainees in Illinois jails.

Sincerely,



John A. Knight

cc: Sheriff John E. Thompson  
Mr. Patrick Herrmann, Office of the State’s Attorney

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<sup>1</sup> Available at <http://www.aidsinfo.nih.gov/ContentFiles/AdultandAdolescentGL.pdf> (accessed May 25, 2011).

<sup>2</sup> Available at <http://www.cdc.gov/hiv/ehap/resources/direct/05132011/discordant.htm> (last visited May 25, 2011).