



John Howard Association of Illinois

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JHA 2016 Prison Monitoring Project Summary and Recommendations Part I March 2017

The John Howard Association of Illinois (JHA) is the State's only prison watchdog; we are a nonprofit, nonpartisan, independent organization that monitors correctional facilities, policies and practices, and advances reforms needed to achieve a fair, humane and effective criminal justice system.¹ JHA visits correctional facilities, receives and responds to privileged mail from inmates, and maintains open lines of communication with other interested parties, such as inmates' loved ones and facility staff, regarding custodial conditions.²

Executive Summary

The last year was marked by tremendous progress, worrisome stagnation, and regressive divisiveness. In 2016, there was significant movement on the national and local levels around criminal justice system policy and practices impacting prison reform efforts in Illinois. Critical new federal guidance on several relevant topics was published and is referenced herein;³ however, most criminal justice issues and solutions are hard fought, gradual, and will be primarily local.⁴ While in some ways the increasing acknowledgment of what needs to be done is half the battle, the unending work of resourcing and executing solutions remains ahead. Monitoring translation of principled reforms through implementation is critical to ensure the reality on-the-ground rises to meet the challenge of transformative policy and best practice.

For another year, Illinois languished without a budget and with ill-equipped physical and bureaucratic infrastructure within the State's prisons and communities. And yet, despite these substantial obstacles, there have been some constructive changes within Illinois' criminal justice system and continued critical bipartisan and multi-stakeholder demonstrable support for needed reform.⁵

JHA has repeatedly reported on the Illinois Department of Corrections (IDOC's) pressing challenges, including a lack of technological sophistication coupled with minimal data collection, evaluation, and reporting; as well as overcrowded and under-resourced facilities with serious deferred maintenance needs.⁶ Although many themes from past JHA monitoring and special reports, and public statements, are repeated herein, Illinois prisons have in several respects maintained and made some advances due to the hard work that has occurred in spite of difficult and ongoing circumstances.

The closure of Stateville's Roundhouse was an important and symbolic change this year, ending the practice of housing inmates in its inhumane conditions.⁷ Illinois must ensure the Roundhouse never reopens; we must commit to reducing use of incarceration and invest in restoring people who are convicted of offenses to useful citizenship, as the Illinois Constitution mandates.⁸ To

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this end, JHA looks forward to the opening of IDOC's planned new smaller treatment focused facilities in 2017.⁹

Illinois must come to recognize the interconnectedness of communities and prisons of this State. Correctional policies and practices are not formed, nor implemented, in a vacuum. The policies of punishment and rehabilitation impact us all. More than 97% of those incarcerated within Illinois prisons will be released, with more than 30,000 people exiting Illinois prisons in a year.¹⁰

JHA has stressed the importance of strong consistent correctional leadership coupled with smart population reduction strategies as necessary to achieving improvements. IDOC's leadership must advance professionalism and rehabilitative values, and do everything possible to ensure continuity and conformity of practice throughout the state's diverse correctional environments. Over the past year, we have seen leadership within the Agency continue to refocus its mission, increasing rehabilitative opportunities in support of enhanced community safety, and embrace a forward-looking vision,¹¹ building professional and community relations, and implementing new trainings. IDOC has also purposefully highlighted successes within the Agency through increased positive media presence, which is helpful for morale and attracting qualified staff.

Most importantly, population continues to drop within IDOC. On the last day of 2016, IDOC's population was **43,617**, down from a reported peak of 49,401 on February 9, 2013. Notably this downward trend began prior to implementation of any recommendations of the Illinois State Commission on Criminal Justice and Sentencing Reform (the Commission),¹² which was charged with advancing reforms under Governor Rauner's mandate to reduce Illinois' prison population by 25 percent in ten years. This Commission was formed in accordance with Executive Order 14 (2015) citing one reason for the formation being that *“the John Howard Association and other outside entities have demonstrated that the Department of Corrections is experiencing severe overcrowding, which threatens the safety of inmates and staff and undermines the Department’s rehabilitative efforts.”*

The Commission's work along with public input over the past two years helped bring to light, and into lawmakers and other stakeholders' consciousness, many of the difficulties faced by the Agency and by inmates that have been long noted by JHA and others. The Commission significantly enhanced the public record on these matters, which are too often ignored, and urged others to pick up the baton of legislative reform and investment in Illinois citizens. As the Commission concludes, *“reforming the justice system is a never-ending obligation of effective governments.”*¹³

IDOC has long been challenged to meet both operations and programming mandates with limited resources. The tension created by the disconnect between what the Agency must do and what it can do with the resources allocated has been exacerbated by the lack of a State budget.¹⁴ JHA observed issues with physical plant, equipment, lack of needed technological upgrades, or supplies in every facility visited in 2016. It is difficult to be forward looking while struggling to meet day-to-day obligations. Administrators and staff at several facilities reported that budget issues were affecting their ability to purchase food, gas, paper, and clothing for inmates and staff,

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as discussed further in the second part of this report. While we have seen supply issues occasionally arise over the past few years, previously it could be largely attributed to the unprecedented number of inmates, and at times state non-payment, whereas now, when there are fewer inmates, there are still not adequate resources. Meanwhile, Illinois newspapers statewide detailed massive unpaid facility water and other utility bills, and there was even some futile, though alarming, discussion of shutting services off inside the prisons in localities that felt they could no longer shoulder costs. JHA continues to urge expedient technological upgrades and physical plant improvements, recognizing that these front-end investments will result in service improvements and long-term cost savings.

Multiple community groups and other government agencies who had offered services to inmates, including programs for children of inmates and reentry facilitation, have had to cut back on doing so. All but one community college partner providing classes within the prisons had to withdraw from IDOC through the ongoing State budget showdown, leaving hundreds of students at multiple facilities without hope of receiving a degree or other programmatic and life benefits from enrollment, and the State without the benefit of the cost reduction from good conduct credits related to these courses. Illinois Correctional Industries (ICI) staff frequently reported they were unable to get materials or commissions from other State entities due to lack of payment and funding, also decreasing work training opportunities and increasing idleness.

JHA commends facilities for their increased ingenuity and partnership within the Agency and with outside entities willing to make donations of food items and other needed goods or services in times of crisis. For example, during a scabies outbreak at Taylorville, other facilities were able to dig deep to help out, contributing scarce clothing and bedding supplies when needed. However, our politicians must be reminded that humane conditions within prisons are the responsibility of the State and that the lack of a budget harms outcomes, State workers, and their citizens. Illinois prisons provide a clear example of the problem of things that we do not pay for now costing far more down the road.

This report is organized into two Parts, the first covering issues related to Data Collection & Reporting, and the second addressing Living & Working Conditions. The Parts contain sections with observations and recommendations based on research regarding contemporary correctional best practices, emphasizing new resources, as well as data and experiences from JHA's prison monitoring in IDOC facilities throughout 2016. Many of these observations and recommendations are renewed from prior JHA publications and remain key to advancing meaningful improvements. Part I, Data Collection & Reporting, also contains subsections addressing the Inmate Grievance System and discussion of the Prison Rape Elimination Act (PREA).

I. Data Collection & Reporting

JHA continually stresses the importance of the Agency making timely data more transparent and accessible to the public for appropriate accountability, collaboration, and resource consideration. Since the most recent IDOC leadership transition in August 2015, Agency officials report they

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have begun work on improved general data collection and program evaluation to begin to make better use of limited resources.¹⁵ One of the most surprising things to people who work outside of Illinois corrections is the small percentage of budget allocated to rehabilitative programming; in IDOC this has been about 3%. The fact that so little is invested means that how it is used is even more critical. To maximize programming value, inmates should be appropriately assigned to demonstrably effective programs, based on their individual risks and needs. As the Commission concluded *“most of [IDOC’s] programs are not evidence-based, have not been evaluated for effectiveness, and fail to separate the low and high risk offenders. This leads to a grim assessment: Illinois’ prisons not only lack the capacity to deliver effective rehabilitative programming, but they also likely increase victimization by making some offenders worse.”*¹⁶

JHA has reported on such issues over the past several years in special reports and in our assessments of certain programs, particularly as it relates to directing extremely limited existing programming resources to low risk participants. Research demonstrates over-programming can have increased criminogenic effects upon persons at low risk of engaging in criminal conduct upon release, and that denying such programming to high risk individuals hinders their potential for rehabilitation.¹⁷ While it is monumental that IDOC has acknowledged the need for changes, is undertaking program evaluation, and is moving towards adaption of modernized risk assessment and classification, JHA notes that the lack of optimized tools is not a reason to forego data collection and reporting with existing measures.¹⁸ Inmates and staff within the Department must function with existing tools and resources, and while it is encouraging that upgrades are coming, we cannot hold our breath, particularly where improvement efforts rely on unrealized financial resources.

Concerningly, throughout 2016, several Agency documents that contain very minimal data that were made available to the public in the past, including some that are mandated by law, have not been published to the IDOC website.¹⁹ While JHA regrets that these materials have not been made available, we recommend that instead of revisiting ad hoc reporting, more timely and relevant data reporting should be instituted, required, and kept up-to-date. Other correctional agencies provide better models of the type of information that could be provided to the public and kept updated.²⁰ This may be an area revision of existing legislative reporting requirements would be advisable, although nothing prevents IDOC from improving practice on its own.

IDOC officials represented to JHA in 2016 that part of the difficulty with providing some relevant data has been a lack of staffing for the Agency research unit. As of March 2017, IDOC reports this has recently improved with seven of eleven positions filled and planned efficiencies for data management. Appreciating staffing and budgetary challenges, it is important for the Agency to further collaborations with other governmental and community resources, such as university research institutions. In many cases IDOC has some raw data, but the Agency lacks the manpower or mandate to appropriately analyze it in a timely manner to guide practice and policy improvements.²¹

With more information, Illinois stakeholders can make better decisions.²² For example, while IDOC recidivism data is largely reported to hover around 50%, the lack of further breakdown of

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rates for specific categories obscures helpful data regarding facility and program effectiveness so that resources may be directed appropriately.²³ Conglomeration of factors such as gender may cause us to miss important trends, such as the fact that while historically IDOC female inmates recidivated at a lower rate than men (36%), this rate has reportedly skyrocketed to 50% since the transition of Logan to a female facility in 2013.²⁴ In another example with significant public policy implications, the practice of violating inmates' right at the door or immediately revoking parole based on the lack of approved housing and not for any ongoing negative conduct drives up the Agency recidivism rate as well as costs. These nuances must be investigable. Quantifying this information frequently affirms JHA's qualitative knowledge obtained by visiting facilities and communicating with affected individuals; however, this information should be more readily available and in the hands of more stakeholders, including policy makers and the public.

Another part of IDOC's most recent public reporting deficit has been attributed to the transition to a new computer system used within IDOC, Offender 360 (O360), in December 2015. In early 2016, frontline O360 users, as well as Agency officials, reported numerous initial transitional difficulties to JHA, suggesting that the system's creation and implementation may have lacked sufficient feedback from end users. Many staff expressed frustration that the new system lacked prior safeguards, timed out, and required more steps to complete tasks than the former system, which dated back to the 1980s. As is true of any substantial system change it was not unexpected for there to be issues, but considering that implementation had been delayed since 2011, it was unfortunate that the system bugs still needed so much time to be addressed. IDOC responded that while change is difficult, it is the cost of progress, and that there has been a course correction in the later part of 2016. JHA has observed that over the past year, it seems that feedback loops have increased and various bugs are being resolved. We expect there to be demonstrable advances from the system upgrade and hopefully the realization of the promised efficiencies in the short term, without significant additional taxpayer investment.

The feasibility and importance of timely data for appropriate Agency transparency and accountability has been demonstrated by other agencies, through implementation of best practice or as a result of litigated agreements. Enhanced data collection and reporting has become particularly more common in areas of controversy, wherein agencies receive public criticism, such as issues surrounding "restrictive housing" or "solitary confinement," i.e. the practice of confining an inmate to a cell for more than 22 hours a day, as is the practice in segregation and other statuses in IDOC.²⁵ Improving reporting regarding custodial deaths has been another topic of national discourse.²⁶ Ideally, public data accountability will demonstrate Agency initiative in safely implementing needed reforms, as well as ongoing challenges.

According to IDOC officials, use of segregation, one form of restrictive housing, has dropped to 1,336 individuals as of September 30, 2016, down from 2,157 individuals on January 1, 2015 (and compared to 2,204 in 2010).²⁷ In July 2016, IDOC introduced proposed changes to disciplinary rules, that were approved in February 2017, and which will, when implemented, reduce use of segregation and improve some conditions, as discussed in Part II of this report.²⁸ Administrators report that through implementation of increased reviews, use of indeterminate segregation has decreased, and that lengths of segregation terms have been reduced. JHA notes

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that at the time of our March 2016 visit to Pontiac, 27 men still had reported segregation terms of over 20 years, while 250 had terms of more than one year, and there were 13 men with indeterminate terms, and others in that status were housed at a few other facilities. During draft review for this report, IDOC provided some data showing that there were 22 inmates with indeterminate segregation as of March 5, 2017, compared to 46 on June 30, 2014, and that only one of those 46 inmates was reported to be in indeterminate segregation status as of March 2017, although it was not specified whether some of the individuals were instead serving definite segregation terms. While JHA continues to request and receive information in relation to facility visits, and observe some improvements, we believe the Agency should more regularly make public more detailed data.

It is critical to successful reform implementation for the Agency to make available data showing not just reduction in use of segregation, but also data that shows generally this reduction has not corresponded to increased facility violence or negative outcomes, and ideally demonstrate positive correlations between change in practice and improved outcomes. This is helpful, and perhaps essential, for staff buy-in to new practices ó just as it was necessary for the Agency to show that the closure of the supermax facility, Tamms, did not correspond to increased violence at other facilities. While some will remain skeptical of data where the Agency has not operated with consistent reliable measures over time, that is no reason to not attempt to do so going forward.

Having data that supports empirical evidence will help drive needed reforms. Also, decision-makers need to be armed with such data, whether it supports or disfavors policy decisions, to best plan for the future and address identified resource needs. For example, it is now clear that the transition of Logan into a female facility resulted in some measurably bad outcomes, which should serve as a lesson about future planning for facility realignment and appropriately resourcing facilities. Notably, the Commission has now made explicit recommendations for measures to increase gender responsiveness within IDOC facilities, as JHA and others have urged for many years.²⁹

In addition to collection and reporting of Agency-generated data, it remains critical for outside entities to provide oversight within the closed correctional system. The Illinois Auditor General reports provide one model of such needed governmental oversight, but are limited in scope.³⁰ In Illinois, the first correctional Ombudsman was appointed in 2015 for the Illinois Department of Juvenile Justice (IDJJ), which appears to have been a positive development for improving conditions for youth from JHA's monitoring of Illinois youth facilities, and the Ombudsman's first legislatively mandated annual report was published in 2017.³¹ There are many models of correctional oversight, including governmental and non-governmental entities that function with varying degrees of independence.³² While JHA serves as a wholly independent correctional monitor, as a small non-profit, non-mandated entity, we alone cannot interject all of the checks and balances a \$1.4+ billion State Agency requires. Unlike a legislatively mandated oversight entity with golden-key unlimited unannounced access or with explicit authority investigate and advise on topics, such as use of force or placement decisions, to create positive change, JHA must rely on our relationships, expertise, and on others' reason and humanity. There is a pressing

need for multiple governmental and community based actors to be engaged and ensure appropriate accountability and best outcomes.

Further, it is necessary for oversight entities with particular expertise to have a presence within IDOC to adequately address concerns. For example, JHA frequently receives complaints in areas beyond our technical expertise, such as food safety and sanitation issues, or concerns regarding water quality or mold, where we cannot determine risk or conduct necessary testing. Likewise, JHA has repeatedly called for increased external oversight of correctional healthcare, which resulted in a 2013 legislative resolution requiring a sample of IDOC facilities to be audited and accredited within three years by the National Commission on Correctional Health Care (NCCHC).³³ Mechanisms should exist to ensure independent review of some basic safety components within these State-funded facilities, and results should be publicly available. While it is our understanding that County Health Inspectors, the Illinois Department of Public Health,³⁴ Equip for Equality (as Illinoisø federally designated Protection and Advocacy (P&A) organization authorized to inspect places housing people with disabilities),³⁵ and others including lawyers, judges, and legislators, may in certain circumstances inspect facilities, it seems that such inspections are rare or incident response based occurrences rather than regular preventative procedures.³⁶ Harm prevention is a critical function of oversight. IDOC houses a multitude of people that are in dire need of support, including intensive medical and mental health services, and rehabilitative programming, in some of the most poorly resourced state facilities and with, as things stand, minimal internal or external governmental oversight and accountability. Unfortunately, and inevitably, Courts will continue to supplement appropriate and less-costly governmental and community-based oversight, if Illinois does not improve systemic accountability and ensure greater transparency.

Recommendation: Agency policy or, if necessary, legislation, must ensure IDOC’s data collection and reporting provides appropriate public transparency and accountability, and oversight protections.

i. The Inmate Grievance System

One tool for evaluating and resolving issues within facilities is an effective grievance system. Inmates commonly express that they have little faith in the IDOC grievance system, and greater transparency regarding outcomes is not likely to increase confidence, given that very few grievances are found to have merit. However, there is still need to provide more information and accountability in the process. JHA has repeatedly recommended improvements for IDOC’s grievance system, including that inmates be given a receipt for grievances. Frequently there is no way to make a determination of whether and when a grievance was filed without this documentation. JHA has inquired about particular grievances where inmates have not received responses, and been told that the grievance has not been recorded as received. It remains unclear how inmates can demonstrate that their grievance was filed and should be logged. Nonetheless, inmates are discouraged from duplicating grievances on the same issue so as not to add to grievance loads, and from making repeated inquiries with staff. By the time inmates realize they have not gotten a response within the required timeframe (typically within two months), perhaps

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because their grievance is missing, it is likely that a refiled grievance will be dismissed for being filed outside of the required timeframe (typically within 60-days of discovery of the incident grieved). Such dismissals are common. Improvements are necessary.

JHA believes that grievance processes and responses should be used as a tool to resolve issues and manage expectations. A grievance response stating the claim has *õno meritõ* is of zero utility in resolving real or perceived issues, and compounds distrust in the system. Likewise, inmates frequently report that witnesses are not interviewed when grievances are heard, adding to perceptions of a rigged system. Giving reasons for denials and fair hearings is best practice. JHA appreciates some facilities handle huge numbers of grievances annually, with about 6,700 logged in one year at Stateville. However, JHA again recommends revision to the grievance system and greater resourcing, including staff and inmate training on effective use of the system for resolving issues. For example, inmates commonly request monetary damages for pain and suffering through the grievance process, which is not an available remedy. While filing a grievance may be a step in exhaustive administrative remedies prior to pursuing a claim in court, the grievance system should be used to resolve issues at the facility level where possible. Where a facility reports that they have had zero grievances with any merit nearly two years out of more than 2,500 filed, as was the case at Pinckneyville from January 2014-September 2015, it is clear that their system is not operating effectively. Where more grievances are found to have merit, it does not mean the facility is worse; it means that problems are acknowledged and resolved when possible. It is unrealistic to expect perfection. Interestingly, JHA has spoken to inmates who say they do not so much want to be victorious in their grievances, as they want to feel heard.

There is also no transparency regarding outcomes for grievances that are handled by the Administrative Review Board (ARB) in Springfield, which is the mechanism for filing some grievances, as well as appeals of grievances responded to at the facility level. From inmate documents from the ARB, JHA frequently sees at this level dismissal for things being filed outside of timeframes and scarce explanation for decisions. JHA believes that there should be transparency regarding the composition of the ARB³⁷ and IDOC should issue public reports regarding the ARB's cumulative handling of grievances, as are available although not typically made public, at the facility level.

Grievance processes are another area where technological advances, likely beyond the IDOC's reach due to budgetary issues but which are used in other correctional systems, could be tremendously helpful. Some electronic kiosk systems used in jails are able to log grievances, submitting them directly to the grievance officer and recording the issue. Inmates report they are often deterred in filing grievances because staff involved may see the complaint when it is submitted.³⁸ Staff have opined that use of a tablet to be able to have access to information and to show inmates staff effort in addressing issues if possible by following up in front of them would be helpful. Given that these improvements remain out of reach at this time, JHA again renews our recommendation to bring back carbon copies. Until the system is improved, it is important for inmates and staff to improve their documentation of issues with existing resources in the hopes that a more thorough audit will bring about improvements. Ideally an independent entity, such as an Ombudsman, would be involved in grievance review.

Recommendation: IDOC must improve its grievance process and increase transparency regarding decisions.

ii. **Prison Rape Elimination Act (PREA)**

One area where IDOC has improved data collection and reporting, inmate access to information and assistance, and there is newly instituted outside review with some public accountability, is in relation to PREA, as required by federal law.³⁹ All of IDOC's facilities have been audited for compliance with PREA standards once and the second cycle of audits has begun. The individual facility audit reports, which contain some fairly updated general descriptions of the facilities, are available online, in addition to IDOC-wide annual summary reports.⁴⁰

JHA has observed increased facility signage and other efforts, such as poster contests, to increase awareness regarding inmates' rights and PREA requirements throughout 2016. Also, IDOC changed some policy and practice to comply with PREA standards, such as clarifying that a grievance related to a sexual abuse or harassment does not have to be filed within a certain timeframe, and revising practice to include 30-day reassessments for inmates housed in reception for long periods of time, as required by PREA due to the fact that intake processes can be overwhelming and people may not be comfortable enough to disclose relevant information initially. However, we continue to encourage ongoing improvements.

While JHA has noted some increase in awareness of inappropriateness of sexual abuse and harassment given greater IDOC attention to PREA compliance, name calling and inmate understanding of staff sexual misconduct remain particular areas of concern. IDOC has not consistently encompassed sexual harassment in prohibited conduct under PREA in inmate educational materials. Also, some inmate education materials suggest that inmates will be punished or prosecuted for sexual acts with staff, which cannot be the case where the staff member consents. Only staff commit a crime in that situation, wherein the inmate is unable to consent given the innate imbalance of the custodial power dynamic.⁴¹

Additionally, under the law, inmates who make reports are supposed to be offered certain protections, such as separating the alleged victim from the alleged perpetrator⁴² and monitoring for retaliation, as well as offered supportive services, and must be informed of outcomes of investigations for allegations involving abuse. A few inmates have reported to JHA that they were not offered proper protections or supportive services after reports, that they felt that they were disbelieved or even threatened by staff, or they were not informed of findings. JHA appreciates that current IDOC administrators appear responsive to particular individual issues we have raised at inmates' request.

We recommend that the department revisit inmate education and continue to address individual concerns regarding noncompliance with PREA standards. Overall staff education may require greater emphasis on reasons behind the protections of PREA to increase staff understanding of why situations should be handled in accordance with technical rules established by the federal

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government, including that the majority of the inmate population has significant trauma history. Generally treating inmates with as much dignity as possible, particularly in areas that are likely to be retraumatizing such as strip searches, is good practice.⁴³

One significant area where IDOC has improved facility practices based on PREA relates to how 17-year-olds are housed, as PREA requires that youth be sight and sound separated from adult inmates on housing units, and when outside of housing units absent direct staff supervision. JHA over the past few years repeatedly recommended that Illinois pass legislation to prevent 17-year-olds from being housed in IDOC, and as of January 1, 2017, no youth will be so housed due to a new law.⁴⁴

This change in law was needed, as despite other efforts to raise the age of adult prosecution, the Stateville Northern Reception and Classification Center (NRC), IDOC's largest reception facility, reported in August 2016 that approximately 15 male youth had been admitted since the beginning of the year. These youth transferred to the designated housing unit for male 17-year-olds at Illinois River after a reported average stay of 15 days at NRC. JHA continued to have concerns about youth's stays at NRC for this length of time, as NRC conditions are equivalent to segregation, and isolation is considered particularly harmful to youth. Also, IDOC did not house youth in strict compliance with PREA at NRC, or at any other reception unit, where they are housed on the same housing unit as adult inmates and are not truly sight and sound separated.⁴⁵ Youth should also not be isolated to comply with separation requirements to the extent of denying access to education and large muscle exercise in order to maintain the required separation. This was a lesser concern at the Southern Reception and Classification Center at Menard and the Central Reception and Classification Center at Graham, where administrators reported that they had only had a few 17-year-olds transfer in and they were typically able to conduct intake and send youth to Illinois River the same day.

In 2016, female youth would have entered IDOC through Logan's Reception and Classification Center; however, JHA was not provided with requested information regarding the number of 17-year-olds housed on the unit over the past year at the time of our June 2016 visit. We continued to have concerns regarding how female youth would be accommodated in the adult system at Logan, particularly given that there would likely be only one or a few female youth, making the creation of a special housing unit or provision of extra services unlikely given space and staffing considerations. In the past, we have observed female youth who were isolated in imperfect attempts to keep them separated at Logan, yet this was likely necessary given facility overcrowding and staffing capacities.⁴⁶ JHA applauds Illinois for taking necessary steps to ensure that IDOC will no longer house anyone under the age of 18, eliminating such concerns going forward.

JHA will continue to monitor PREA compliance and support agency efforts in its goal of achieve zero tolerance for sexual abuse and harassment in facilities. It is incredibly important for inmates to have confidence in PREA reporting process and for IDOC to improve facility culture around issues of sexual safety.

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Recommendation: IDOC should continue to strive to create sexually safe facilities improving inmate and staff education.

This report was written by JHA staff. Media inquiries should be directed to JHA's Executive Director, Jennifer Vollen Katz, at (312) 291-9555 or jvollen@thejha.org.

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Since 1901, JHA has provided public oversight of Illinois' juvenile and adult correctional facilities. Every year, JHA staff and trained volunteers inspect prisons, jails and detention centers throughout the state. Based on these inspections, JHA regularly issues reports that are instrumental in improving prison conditions.



JHA's work on healthcare in IDOC is made possible through a generous grant by the Michael Reese Health Trust.

Preparation of this report was supported by the John D. and Catherine T. MacArthur Foundation.



*The John Howard Association was the proud recipient of the 2015
MacArthur Award for Creative and Effective Institutions*

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¹ For further information, including reports and public statements, please see JHA's website, www.thejha.org.

² For a description of JHA's Prison Monitoring Project's method, see <http://thejha.org/method>. JHA reviewed a draft of this report with IDOC on March 6, 2017. For JHA's privileged mail status with adult Illinois inmates, see, for jails, 20 Ill. Admin. Code 701.180, County Jail Standards/Mail Procedures and specifically see definitions of Privileged Mail at sections e. and f., <ftp://www.ilga.gov/JCAR/AdminCode/020/020007010001800R.html>; and for prisons, 20 Ill. Admin. Code 525 Subpart B (*Rights and Privileges/Mail*, specifically JHA is listed in definitions of privileged mail at 525.110) <ftp://www.ilga.gov/jcar/admincode/020/020005250B01100R.html>. In 2016, JHA received and responded to over 2,600 letters from inmates, which are tracked by issue and facility. See <http://www.thejha.org/letterdata>. Additionally, in the second half of 2016, JHA piloted staff and inmate survey tools at nine facilities during visits, and will be incorporating feedback from this in our work going forward and intend to publish a summary of survey data from the pilot in 2017.

³ See e.g., www.justice.gov/prison-reform.

⁴ For a summary of some of the federal context and many of the recently implemented changes, see President Barack Obama's Commentary, *The President's Role in Advancing Criminal Justice Reform*, 130 Harv. L. Rev. 811 (Jan. 5, 2017), <http://harvardlawreview.org/2017/01/the-presidents-role-in-advancing-criminal-justice-reform/>.

⁵ 2016 survey findings of the ACLU of Illinois and the Alliance for Safety and Justice, both nationally and in Illinois, demonstrated significant support for criminal justice reforms among Illinois residents and crime victims. See <http://www.aclu-il.org/public-opinion-on-criminal-justice-reform-in-illinois/> and <https://www.allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf> and https://www.allianceforsafetyandjustice.org/wp-content/uploads/2016/12/ASJ-Illinois-Crime_survivors-FINAL-online.pdf.

⁶ Statement of the John Howard Association on IDOC's New Director, John Baldwin, August 17, 2015. <http://www.thejha.org/statement08172015>. Since this leadership transition, through the end of 2016, JHA visited more than half of the IDOC prisons located throughout the state, including a variety of programmatic and security settings, visiting all of the maximum-security prisons, reception and classification centers, and female facilities, at least once. Specifically including visits to: Big Muddy River, Decatur, Dixon, Fox Valley Adult Transitional Center, Graham, Illinois River, Lawrence, Lincoln, Logan, Menard, Pinckneyville, Pontiac, Shawnee, Southwestern Illinois (SWICC), Stateville, Stateville Northern Reception and Classification Center (NRC), and Taylorville.

⁷ See JHA's Stateville reports, <http://www.thejha.org/stateville>. For a discussion of the panopticon design and effects on prison culture see Ryan Jacobs, *How Prison Architecture Can Transform Inmates Lives*, Pacific Standards (Jun. 17, 2014), <https://psmag.com/how-prison-architecture-can-transform-inmates-lives-7b4fa1b7ab58#.ok61kvfkc>, citing a Dutch study finding less positive relationships between inmates and staff in panopticon settings, as well as settings that are older and have more double-cells; all of these negative factors were present in the Roundhouse. See Karin A. Beijersbergen, et al., *A Social Building? Prison Architecture and Staff-Prisoner Relationships*, Crime & Delinquency, 2016, Vol. 62(7) 843-874, (first published May 27, 2014), <http://journals.sagepub.com/doi/abs/10.1177/0011128714530657>. See also, and JHA's October 14, 2016, Statement on The Planned Closure of the Roundhouse, <http://www.thejha.org/statement20161014>, the closure was achieved by December.

⁸ See <http://www.ilga.gov/commission/lrb/conent.htm>. Likewise, former President Obama wrote in an op-ed "those who have served their time should leave prison ready to become productive members of society," *Why we must rethink solitary confinement*. Washington Post (January 25, 2016), <http://wpo.st/NM9E1>.

⁹ IDOC plans to open three new facilities, all of which were formerly Illinois Youth Centers (IYC's), in Joliet, Kewanee, and Murphysboro. The Joliet facility will be a Residential Treatment Unit (RTU) for in-patient treatment of male IDOC inmates, as agreed under the IDOC mental health class action, *Rasho v. Baldwin*, 07-cv-1298 (C.D. Ill.), May 2016 settlement agreement. The other two new facilities will focus on skill building and reentry issues. The first such facility, Kewanee, is anticipated to open in February 2017. See Mike Berry, *Kewanee Prison Will be a*

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Model for the Nation, Star Courier, (February 7, 2017), <http://www.starcourier.com/news/20170207/kewanee-prison-will-be-model-for-nation>. JHA looks forward to monitoring these facilities and hopes that the addition of these facilities will increase IDOC's ability to provide appropriate custodial care and programming.

¹⁰ See e.g. IDOC Fiscal Year 2015 Annual report, <https://www.illinois.gov/idoc/reportsandstatistics/Documents/FY2015%20Annual%20Report.pdf>, p. 82.

¹¹ IDOC revised its Mission and Vision statements after Director Baldwin joined the Agency in late 2015, to now state: "Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization. Vision: We will operate safe, secure, and humane correctional facilities. We will provide quality services to those who require medical and mental health treatment. We will evaluate offenders individually and develop an appropriate course of action based on individual needs. We will reduce recidivism by offering seamless, efficient services that are geared toward offender rehabilitation. Staff is our greatest asset and we will ensure that all staff is trained to the highest professional level. This is a team-based environment where open communication and sharing new ideas are encouraged. We value the well-being of IDOC staff and offenders and will serve the people of Illinois with compassion and fairness." See <https://www.illinois.gov/idoc/news/2015/Pages/IDOCMissionandVision.aspx>.

¹² See generally, <http://www.icjia.state.il.us/cjreform2015/index.html>. The Commission's final report with recommendations was initially to be submitted by the end of 2015; however, the work of the Commission extended through the end of 2016 with the final recommendations published January 10, 2017, http://www.icjia.state.il.us/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf.

¹³ *Id.* at p. 77.

¹⁴ See e.g., JHA's June 29, 2016 Statement on the Illinois Budget Impasse, <http://www.thejha.org/node/331>.

¹⁵ Historically there has been very limited program evaluation. See a discussion of this issue and the dearth of programming resources within IDOC in the Commission's Initial Report (July 2015), p. 7-8, <http://www.icjia.state.il.us/cjreform2015/pdf/Criminal%20Justice%20Reform%20Commission%20Initial%20Report.pdf>. The Commission's Final Report, Recommendation 8, would require that IDOC evaluate the effectiveness of its programming. See http://www.icjia.state.il.us/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf. There has been some informal internal assessment of recidivism for some programming and now some formal program evaluation taking place pursuant to a federal Second Chance Act grant (see IDOC's list of outside research, specifically, *Correctional and Community Program Evaluation Under the Statewide Recidivism Reduction Project*, <https://www.illinois.gov/idoc/reportsandstatistics/Documents/online%20research%20project%20list-nov2016.pdf>). However, in JHA's monitoring of facilities in 2016, programming practitioners seemed unaware of this initiative. Such work remains crucial. Specifically regarding program evaluation and reporting, the Commission calls for IDOC to comply with the requirements of 730 ILCS 5/3-6-3(a)(4), which states "Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be increased under this paragraph... shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants." Final Report, p. 69.

¹⁶ See the Commission's Final Report, p. 12, http://www.icjia.state.il.us/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf. JHA notes that IDOC's and the Commission's practice of using the word "offender" has fallen out favor in the Washington and Pennsylvania Departments of Corrections in 2016. See <http://mynorthwest.com/444658/doc-convicted-criminals-should-no-longer-be-called-offenders/> and <https://www.washingtonpost.com/news/true-crime/wp/2016/05/25/pennsylvania-dept-of-corrections-to-discard-terms-offender-felon-in-describing-ex-prisoners/>.

¹⁷ See e.g. JHA 2013 Special Report, *Reforming Illinois' Prison System from the Inside-Out, A Blueprint for the Implementation of Risk Assets Needs Assessment and System Change in the Illinois Department of Corrections*, http://thejha.org/sites/default/files/Reforming_Illinois_Prison_System_from_the_Inside-Out.pdf. The Commission echoes others' calls for IDOC to implement risk and needs assessment tools (Recommendation 2), reiterating that

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even before the tools are in place, IDOC should be enhancing rehabilitative programming and rethinking whom is assigned therein.

¹⁸ The Commission too calls for expanding data collection (Recommendation 6); however, these provisions only address intergovernmental sharing and do not integrate a transparency component. JHA strongly supports enhanced agency cooperation and communication between governmental actors, e.g. county and state officials, to improve outcomes and eliminate costly redundancies, but we believe certain information should also be made public and some updates should be available in real time, or at least with greater frequency.

¹⁹ IDOC has not issued a Quarterly Report in over a year, since January 1, 2016, nor have they yet issued an Annual Report for Supplemental Sentencing Credit for the period ending September 30, 2016, and the last two Agency Annual Fiscal Year Reports have been released a calendar year after end of the fiscal year, such that the Fiscal Year 2015 report, covering the timeframe of July 1, 2014-June 30, 2015, was published in June 2016. *See* <https://www.illinois.gov/idoc/reportsandstatistics/Pages/default.aspx>. Likewise, individual facility pages are not kept up-to-date with program availability and even population numbers listed, which are easily updatable, as of March 2017, these numbers were from July 1, 2015. JHA would also encourage the department to track and make public issues received, and ideally resolutions, from the IDOC Office of Constituent Services, <https://www.illinois.gov/idoc/communityresources/Pages/ConstituentServices.aspx>, which in some ways functions as an internal Ombudsman office and serves as a conduit between the community and the department. Likewise the work of the IDOC Office of Performance Based Standards and Internal Audit should have public reporting components, <https://www.illinois.gov/idoc/aboutus/Pages/ChiefOfficeofPerformanceBasedStandards.aspx>, and <https://www.illinois.gov/idoc/aboutus/Pages/OfficeofInternalAudit.aspx>.

²⁰ *See e.g.* Colorado, <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>, and Ohio <http://www.drc.ohio.gov/reports>.

²¹ Additionally, lack of uniformity in facilities' understanding of terms and data collection practices, and at times even the support staff necessary to assist, can make Agency-wide data reporting difficult.

²² Increased dissemination of reliable findings stemming from IDOC data is imperative, as it can have serious implications for State funding decisions. However, we already know many important things that could be improved, such as providing more education services to reduce recidivism, and that housing people in community settings with intensive treatment services instead of incapacitating them in prison will result in a cost savings and improved public safety outcomes. Illinois does not need more research to conclude that we should be investing in established practices that reduce the need for use of secure custodial settings.

²³ However, note that IDOC reports a decrease to a 43.5% unaudited recidivism percentage for FY2014. *See* Illinois Auditor General's *Financial Audit and Compliance Examination for the Period Ending June 30, 2014*, (April 30, 2015), p. 176, <http://auditor.illinois.gov/Audit-Reports/Compliance-Agency-List/Corrections/FY14-Corrections-Fin-Comp-Full.pdf>.

²⁴ *See*, the National Resource Center on Justice Involved Women (NRCJIW), November 2016 report, *The Gender Informed Practice Assessment (GIPA), Summary of Findings & Recommendations*, Logan Correctional Center, Illinois Department of Corrections, at p. 10, (November 2016), <http://womensjustice.net/illinois>. *See also generally*, JHA's 2014 Special Prison Monitoring Report, *Overcrowded, Underresourced, and Ill-Conceived: Logan Correctional Center, 2013/14*, <http://thejha.org/sites/default/files/Logan%20Correctional%20Center%20Report%202013-2014.pdf>.

²⁵ For example, the January 2016 Department of Justice (DOJ) guiding principles recommend that the federal Bureau of Prisons (BOP) start reporting restrictive housing statistics monthly on BOP's public website and enhance data collection and BOP is now complying with that guidance. *See* <https://www.justice.gov/restrictivehousing> and https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp. In Illinois, the Illinois Department of Juvenile Justice (IDJJ), as a result of litigation, now reports monthly on any use of confinement by type. *See e.g.* <http://www.illinois.gov/idjj/Documents/Public%20Profile%20Report%20-%20February%202016.pdf>, p. 7.

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²⁶ See e.g. Aaron Morrison, DOJ Plan for police in-custody death reporting needs teeth, civil rights activists say, (August 31, 2016), <https://mic.com/articles/153035/doj-plan-for-police-in-custody-death-reporting-needs-teeth-civil-rights-activists-say#.YkU8BCMNB>. While there is some existing death reporting to the federal Bureau of Justice Statistics (BJS), the data is reported in aggregate from multiple state and federal facilities, reporting significantly lags real time and critical decision-making junctures, and is information is minimal. BJS reporting identifies 102 suicides within Illinois state and federal prisons between 2001-2014, with an average annual mortality rate per 100,000 for suicide at 16. See Margaret E. Noonan, BJS Statistician, *Mortality in State Prisons, 2001-2014 – Statistical Tables* (December 15, 2016), Tables 13 and 14, <https://www.bjs.gov/content/pub/pdf/msp0114st.pdf>. IDOC reported the following completed suicides by Fiscal Year: 2010-8; 2011-9; 2012-5; 2013-5; 2014-6; 2015-10; and 2016-6. Death numbers are frequently over-emphasized in relation to conditions, and are best contextualized by simultaneous use of other numbers such as suicide attempts, crisis watches, and staffing details. Nonetheless, data transparency, independent investigation, and review of practices to see if improvements should be instituted, should be required and with public findings.

²⁷ See, Dan Patrella, *IDOC proposes new limits on inmate segregation*, Pantagraph (October 20, 2016) http://www.pantagraph.com/news/local/crime-and-courts/idoc-proposes-new-limits-on-inmate-segregation/article_2ab9d6a6-ec47-54dc-a709-f2a40f821f92.html and for 2010 segregation numbers, *Written Testimony of Michael Jacobson, President and Director of Vera, to the U.S. Senate Committee on the Judiciary*, June 19, 2012, at p. 4, available at <http://www.vera.org/sites/default/files/resources/downloads/michael-jacobson-testimony-on-solitary-confinement-2012.pdf>. IDOC's reported use of disciplinary segregation as a percentage of total population is similar to use of restrictive housing in other correctional systems. For a recent comprehensive review of use of restrictive housing and discussion about some of the differences among systems, see e.g. Anna Flagg, Alex Tatusian, and Christie Thompson, *Who's in Solitary Confinement?*, The Marshall Project (November 30, 2016), <https://www.themarshallproject.org/documents/3234404-Aiming-to-Reduce-Time-In-Cell-Correctional>, and the underlying November 2016 report from Yale Law School and the Association of State Correctional Administrators (ASCA), *Aiming to Reduce Time in Cell*, <https://assets.documentcloud.org/documents/3234404/Aiming-to-Reduce-Time-In-Cell-Correctional.pdf>. Note that for most of this study, Illinois data is not included, and presumably was not provided, or may not conform to the survey query definitions.

²⁸ See 20 Ill. Adm. Code 504.620(g)(1). See also IDOC's proposed rule changes to 20 Ill. Adm. Code 504, 40 Ill. Reg. 8628, https://www.cyberdriveillinois.com/departments/index/register/register_volume40_issue27.pdf, and JHA's August 11, 2016 Public Comment on Proposed Rule Changes by the Illinois Department of Corrections, <http://www.thejha.org/statement081116>.

²⁹ See Recommendation 4, http://www.icjia.state.il.us/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf, and see e.g. JHA's 2012 report on Lincoln (at the time a female facility), at p. 3, http://thejha.org/sites/default/files/Lincoln_Report.pdf.

³⁰ See <http://auditor.illinois.gov/Audit-Reports/CORRECTIONS-DEPARTMENT.asp>.

³¹ See <https://www.illinois.gov/idji/Pages/IndependentOmbudsman.aspx>.

³² See e.g., Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, Pace Law Review, Vol. 30, Issue 5 (Fall 2010), <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1764&context=plr>. Note that the landscape of independent law enforcement oversight has changed significantly since 2010 and the author of this publication plans to publish an update.

³³ See e.g., JHA's 2012 Special Report, *Unasked Questions, Unintended Consequences: Fifteen Findings and Recommendations on Illinois' Prison Healthcare System*, <http://thejha.org/sites/default/files/Unasked%20Questions-Unintended%20Consequences.pdf>, and Illinois House Resolution 57 (adopted May 22, 2013), <http://www.ilga.gov/legislation/fulltext.asp?GAID=12&SessionID=85&GA=98&DocTypeID=HR&DocNum=57&LegID=72056&SpecSess=&Session>.

³⁴ See e.g., 730 ILCS 135, Illinois Prison Inspection Act.

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³⁵ See organization's webpage <http://www.equipforequality.org/>, and for an explanation of P&A authority, <http://www.ndrn.org/en/about/paacap-network.html>.

³⁶ It is unclear whether counties are motivated to inspect facilities where the inspection cost would be incurred at a local level. Arguably, facility staff (if not also the inmates) should be considered local residents deserving of taxpayer funded protections.

³⁷ While the ARB has had a civilian member (non-IDOC staff), JHA was informed this has not been the case that staff could recall, over at least the past ten years.

³⁸ However, inmates should be mindful that in many cases, to investigate a grievance, the involved staff member would have to be interviewed at some point.

³⁹ 42 U.S.C §§15601-15609. See generally, <https://www.prearesourcecenter.org/>. JHA serves as means for inmates to report incidents of sexual abuse or harassment while in IDOC custody through an independent entity in accordance with §115.51(b), which requires *“The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.”*

⁴⁰ See, <https://www.illinois.gov/idoc/programs/Pages/PREAuditReports.aspx> and <https://www.illinois.gov/idoc/programs/Pages/PrisonRapeEliminationActof2003.aspx>.

⁴¹ For example, two former Logan staff are being prosecuted for custodial sexual misconduct and other issues, see Edith Brady-Lunny, *Two ex-IDOC officers face sex, drug charges*, Pantagraph, (January 28, 2017), http://www.pantagraph.com/news/local/crime-and-courts/drug-misconduct-charges-filed-against-two-idoc-officers/article_e7de33aa-9854-54fc-ad37-2ac1d69c14d8.html.

⁴² Some inmates have reported to JHA issues with consequences of IDOC taking certain actions that are required under PREA, such as separating an alleged victim from an alleged perpetrator. Inmates have reported to JHA that others make false PREA accusations that result in housing moves, which commonly are otherwise virtually impossible to get, and may result in detriments to the alleged perpetrator, such as losing privileges and assignments, regardless of the outcome of the allegations. An inmate may only be disciplined for PREA report where it can be demonstrated that the inmate made the report in bad faith. IDOC should be vigilant regarding such possible unwarranted collateral consequences of PREA protections and try to maintain separation with equivalent privileges to the extent possible during investigations.

⁴³ Some staff report to JHA that they do not feel they have had proper training for searches, as has also been periodically reported to JHA and observed regarding searches for visitors. Another PREA requirement, based in part on sensitivity to retraumatization and privacy concerns, is that announcements must be made when females are in areas where males may be undressed and vice versa. While JHA noticed increased staff awareness of the requirement for making these announcements on visits over 2016, some staff on male units still inappropriately rely on signage stating that females may be present, instead of understanding the intent is to give inmates actual notice so that they will have the opportunity to cover themselves.

⁴⁴ Illinois Unified Code of Corrections Section 5-8-6 Place of confinement (730 ILCS 5/5-8-6) was amended by Public Act 99-628 (effective January 1, 2017) to state: *“(c) All offenders under 18 years of age when sentenced to imprisonment shall be committed to the Department of Juvenile Justice and the court in its order of commitment shall set a definite term. The provisions of Section 3-3-3 shall be a part of such commitment as fully as though written in the order of commitment. The place of confinement for sentences imposed before the effective date of this amendatory Act of the 99th General Assembly are not affected or abated by this amendatory Act of the 99th General Assembly.”* See <http://www.ilga.gov/legislation/publicacts/99/PDF/099-0628.pdf>, at p. 133. IDOC represented that there were only two male 17-year-old youth still housed at the special housing unit for male youth at Illinois River as of March 2017. See, JHA's 2016 special report on this unit, <http://thejha.org/sites/default/files/JHA%2017yolds.pdf>. This change in law will allow the facility to make more efficient use of housing and staff resources once these youth turn 18 and can be housed as adults.

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⁴⁵ See e.g., PREA FAQ from October 22, 2014, defining "housing unit," <https://www.prearesourcecenter.org/frequently-asked-questions>.

⁴⁶ See National Institute of Corrections publication by Davis, Gentile, and Glesmann, "No Place for Youth: Girls in the Adult Justice System. Gender-Responsive Strategies for Justice-Involved Women and Girls," (July 2016), <http://nicic.gov/library/031370>, (p. 6 "If adolescents must be housed in adult correctional facilities, house them in units separate from adults without the use of isolation. Staff working in these units should be trained in gender responsiveness, adolescent development, strengths-based approaches, trauma-informed care, cultural competency, and LGBTQ competency. Girls should have access to equitable recreational, educational, and vocational opportunities. They should also have medical and mental health care, including preventative health screenings and reproductive health care services, that meets their needs.")