



John Howard Association of Illinois

P.O. Box 10042, Chicago, IL 60610-0042
Tel. 312-291-9237 Fax. 312-526-3714

17-year-olds in Illinois' Adult Prisons

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The experience of incarceration is typically difficult, traumatic, and life altering, no matter one's age or background. For the youngest inmates in state custody, this premise is heightened due to ongoing brain development and lack of maturity. Over a hundred years ago Illinois recognized that youth are different than adults, and created a separate juvenile system for them. But over time, the calculation of when someone should be adjudicated by the juvenile courts, as opposed to prosecuted in adult criminal court, became less clear as it became less dependent solely on age.

Youth, or individuals under the age of 18, may still be tried as adults in Illinois. Youth with adult sentences can be housed in Illinois Department of Corrections (IDOC) custody once they turn 17, including both youth entering from county custody on new adult sentences or those transferred from Illinois Department of Juvenile Justice (IDJJ) facilities.² Over the past few years, the number of 17-year-olds in IDOC has declined significantly.³ As of February 2016, there were 13 male and zero female 17-year-olds housed in IDOC facilities. While these numbers reflect a reduction of more than fifty percent over prior years, IDOC must continue to be prepared to meet the demand of housing this special population, particularly given that these numbers will continue to fluctuate unpredictably absent legislative action or other universal statewide agreement between custodial entities to house youth elsewhere prior to their 18th birthdays.⁴

Changes in public opinion supported by scientific research regarding brain development coupled with a series of "Raise the Age" initiatives have limited the mandatory prosecution of youth as

¹ This report is based on facility monitoring visits, as well as ongoing communications with inmates, staff, and concerned citizens. IDOC officials reviewed and fact-checked a draft of this report and it was last discussed with JHA on February 17, 2016. No factual substantive changes have been made since that time prior to publication. All statements of opinions and policy recommendations herein are JHA's unless otherwise stated. See JHA's 2013 publication *How JHA's Prison Monitoring Works*, available at www.thejha.org/method. Inmates may send privileged mail to JHA, P.O. Box 10042, Chicago, IL 60610-0042. Other concerned parties may also reach us by email or phone. Prior JHA reports are available at <http://thejha.org/>.

² See 730 ILCS 5/3-10-7. Such transfers appear to be increasingly uncommon.

³ IDOC only regularly publically reports these numbers in Annual Reports and the most recently available Annual Report from Fiscal Year 2014 indicates that as of June 30, 2014, there were 30 17-year-olds in custody at IDOC facilities and nine 17-year-olds on parole from IDOC. See IDOC Fiscal Year 2014 Annual Report, p. 65 and 68, available at <http://www.illinois.gov/idoc/reportsandstatistics/Documents/FY2014%20Annual%20Report.pdf>. Comparatively, the 2013 Annual Report reflects 80 17-year-olds in IDOC custody, and similarly the 2005 Annual report, reflects 82.

⁴ Oregon and Indiana are examples of states where legislation changes allow youth to remain in juvenile custody. For more information see e.g. www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation.

adults in Illinois.⁵ Meanwhile, federal actions, such as the recent United States Supreme Court decision making the prohibition on mandatory sentencing of juveniles to life without parole retroactive and President Obama's adoption of a ban on solitary confinement for juveniles in federal custody, strengthen the paradigm that juveniles are rightly treated differently than adults within the criminal justice system.⁶ In Illinois, a consent decree that touches most of the policies, practices and conditions in IDJJ, where youth may be housed up until age 21, also reflects a commitment to treating incarcerated juveniles differently than adults.⁷ The related court-ordered agreed remedial plan for IDJJ broadly limits confinement, requires youth spend at least eight hours outside of their cell, mandates educational and mental health staffing ratios and services, and otherwise attempts to distinguish juvenile confinement from the adult system and focus on IDJJ's rehabilitative mission. Increasingly, standard offense-based punishments and restrictions of the criminal justice system are determined to be inappropriate for youth. Despite these policy changes and the understanding of the different needs of youth, in Illinois, some youth will be prosecuted as adults based on charged offense and prosecutorial and judicial decisions, and some will do time in adult prisons while still 17 years old.

JHA has reported on IDOC's evolving practices and the challenges of appropriately housing 17-year-olds in adult facilities over the past several years.⁸ Importantly, on August 20, 2012, the federal Prison Rape Elimination Act (PREA) standards went into effect, requiring that in adult facilities, youth under the age of 18 be sight and sound separated from older inmates absent direct staff supervision, yet also requiring that agencies make best efforts to avoid placing youth in isolation to comply with the rules for separation and provide youth access to activities to the extent possible.⁹ In light of the PREA requirements and other changes regarding treatment of juveniles in confinement in Illinois, JHA has advocated over the past several years for the State to take action to keep 17-year-olds out of adult facilities. Failing that, uniform agency practices

⁵ On January 1, 2016, Illinois juvenile justice reforms went into effect that, among other things, further limits automatic prosecution of minors as adults. Under the new more limited Illinois automatic transfer law, youth as young as 16 at the time of the offense will continue to be automatically charged as an adult only for the crimes of first degree murder, aggravated criminal sexual assault, and aggravated battery with a firearm where the minor personally discharged the firearm resulting in injury, as well as any other additional charges arising from the same incident. 705 ILCS 405/5-130. Full text of changes, available at <https://legiscan.com/IL/text/HB3718/2015>. Based on JHA's observations, eliminating automatic transfer for some offenses may decrease the number of 17-year-olds in IDOC custody; however, other 2016 changes to Illinois law that shorten the length of juvenile parole and terminate juvenile jurisdiction when a youth picks up an adult charge, may result in more 17-year-olds ending up in adult custodial settings as opposed to juvenile.

⁶ See *Montgomery v. Louisiana*, No. 14-280 (S. Ct. Jan. 25, 2016), available at http://www.supremecourt.gov/opinions/15pdf/14-280_3204.pdf, and Barak Obama, *Why We Must Rethink Solitary Confinement*, The Washington Post (Jan. 25, 2016), available at https://www.washingtonpost.com/opinions/barack-obama-why-we-must-rethink-solitary-confinement/2016/01/25/29a361f2-c384-11e5-8965-0607e0e265ce_story.html.

⁷ *R.J. v. Jones*, Case No. 12-cv-7289 (N.D. Ill.), documents available at <http://www.aclu-il.org/r-j-v-bishop22/>. The agreement also requires that any use of isolation, even use under an hour for a "time out," be tracked and reported.

⁸ See e.g. JHA's 2013 Monitoring Report on Danville Correctional Facility, JHA's 2014 Monitoring Report on Stateville Northern Reception and Classification Center, and JHA Special Report: *In Their Own Words: Young People's Experiences in the Criminal Justice System and Their Perceptions of Its Legitimacy*, available at <http://www.thejha.org>.

⁹ See PREA National Standards, 28 C.F.R. §115.14 and *National PREA Resource Center: Youthful Inmates*, available at <http://www.prearesourcecenter.org/faq/youthful-inmates>. Note that this standard applies only to adult facilities and 17-year-olds may be housed with older individuals in juvenile facilities.

in IDOC and greater resources for youth in Illinois' adult system are needed to address the needs and vulnerabilities of this population. This report will discuss the evolution of IDOC's practice for housing 17-year-olds and continued challenges. Although we have observed improvements as greater uniformity in practice was gradually introduced throughout IDOC, and more recently stemming from the creation of a special housing unit for 17-year-old male youth, JHA continues to stress that a legislative fix to house youth in juvenile facilities until their 18th birthday would be optimal.

Former Practice of Housing Youth at Various IDOC Facilities

During the time in which IDOC housed 17-year-olds on the same housing units with adult inmates, JHA continually received reports relating to behavioral issues and difficulty providing the level of required supervision or ideal level of activity, from staff and inmates.¹⁰ Inmates throughout IDOC typically have very limited access to programming, including school, where there are frequently substantial waitlists for classes. Furthermore, out-of-cell time for medium and reception or maximum-security inmates is minimal, resulting in about 18 hours or 23 hours per day in cell time respectively. Many 17-year-olds within IDOC prisons were not able to partake in education, work, or congregate religious opportunities because of the presence of older inmates or the general lack of programming resources within IDOC facilities. As JHA noted in 2013, "youth in IDOC custody spend long periods of time idle and confined in their cells, factors that may exacerbate behavioral problems and mental illness, increase risk of recidivism, impede normal social, psychological, cognitive, and physical maturation and brain development, and heighten the risk of suicide."¹¹

JHA recommended that Illinois and IDOC rethink practices for 17-year-olds who remain in adult systems. We stated that because 17-year-olds make up a very small part of IDOC's population but are spread across facilities, each facility could face significant management issues accommodating this population and suggested a possible solution of housing 17-year-olds together and providing them with specialized programming tailored to their developmental needs.¹² Meanwhile, we recommended that IDOC facilities take measures to ensure that youth not be unduly restricted, provide additional security supervision where required to include young inmates in positive activity, and require mental health staff to have frequent contact with youth.

¹⁰ Since JHA has been reporting on this practice we have not been made aware of IDOC knowingly celling a 17-year-old with an older inmate. Although we did hear of one case where IDOC did not realize a youth was 17 initially at a reception facility

¹¹ See JHA's 2013 Monitoring Report on Danville Correctional Facility, available at <http://www.thejha.org>, citing U.S. Department of Corrections, National Institute of Corrections, "You're An Adult Now: Youth In Adult Criminal Justice Systems," (December 2011), available at <http://www.njjn.org/uploads/digital-library/You're-An-Adult-Now-Youth-In-Adult-Criminal-Justice-Systems-Jason-Zeidenberg-NIC-Dec2011.pdf>; Illinois Juvenile Justice Commission, "Findings: Why Should 17-Year-Olds Be In Juvenile Court?," available at <http://www.dhs.state.il.us/page.aspx?item=64924>.

¹² Though male and female 17-year-old youth will need to be separated (generally there are far fewer female 17-year-olds) and 17-year-olds have varying security classifications that must be considered in housing.

Reception Centers

Male youth will enter IDOC custody through the Northern, Southern, or Center Reception and Classification Centers at Stateville, Menard, and Graham respectively. Female youth entering IDOC are fewer, and will enter IDOC through Logan and will then be housed in the X-House until they turn 18. In the particular cases JHA is aware of, 17-year-old females do not commonly have access to work or programming opportunities. JHA continues to recommend that female youth be provided with additional opportunities.

The vast majority of all inmates, and male youth, enter IDOC through Stateville Northern Reception and Classification Center (NRC). In JHA's 2014 NRC monitoring report, we reported on particular concerns regarding housing youth at that facility. We observed and reported that conditions at NRC are harsh and isolating for any inmate, but they are particularly so for youth. At the time of the March 2014 JHA NRC visit, the facility housed 32 17-year-olds and JHA particularly raised concerns and made recommendations about this population.¹³ At that time, most of these youth were waiting for transfers to boot camp and were housed in a gym with older inmates. Other 17-year-olds were celled on special units or in segregation, all of which consisted of 23 hour lockdown as celled reception inmates have no movement for dietary and are offered only five hours of recreation weekly. JHA noted at that time that isolation and use of segregation in IDOC for youthful inmates runs counter to the strong movement to restrict use of isolation for juveniles. In March 2014, one 17-year-old reported he had not had a phone call or any contact with his family in a month and several youth were distressed by the lack of phone access and mail. Although this is common in NRC, where historically necessary phone approvals and mail are slow, this isolation is not typical for youth facilities. One 17-year-old interviewed by JHA in segregation had come in to NRC shortly after his 17th birthday and was still at the reception facility over a year later, likely due to the fact that NRC also houses inmates with ongoing court appearances in Northern counties. Additional concerns of 17-year-olds included not knowing how to access medical or mental health care, as well as confusion about parole violation hearings and other legal procedures. Several of the youth at NRC had unresolved juvenile issues that resulted in holds that prevented their transfer to boot camp, an issue that JHA advocated to change and which should be resolved by the 2016 reforms, which include termination of juvenile parole upon a youth getting an adult charge.¹⁴

Illinois River Special Management Unit

On July 29, 2015, IDOC opened a special housing unit for male 17-year-olds at the Special Management Unit (SMU) of the Illinois River Correctional Center (Illinois River) located in Canton, Illinois, approximately 45 minutes west of Peoria and three and a half hours southwest of Chicago. As of November 30, 2015, Illinois River housed 2,012 inmates, representing 199% of the facility's design or rated capacity and 96% of the facility's operational or bedspace capacity. As of February 17, 2016, population was down to 1,959.

¹³ By the time of JHA's August 2014 follow up NRC visit, there were eight 17-year-olds, compared to 32 in March 2014. As of March 2015, there were three 17-year-olds at NRC, who were all single-celled. As of February 2015, 17 male and one female 17-year-old youth were housed in IDOC parent facilities.

¹⁴ See JHA's 2014 Monitoring Report on Stateville Northern Reception and Classification Center, discussing this issue, available at <http://thejha.org/>.

The 17-year-old youth are housed on A-Wing of the SMU, which has approximately 40 cells on each of three wings. The facility refers to the youth as the Special Management Population (SMP). The SMU was designed to keep a subset of inmates separate from the rest of the general population at Illinois River and has its own yard, gym, and dietary area (although the separate dietary area is not in use). Historically this area was used as a type of special housing for former law enforcement or other high profile cases, but it had not been used for this purpose in many years. Prior to the 17-year-olds placement at the facility, during population spikes in prior years, from March 2013 through April 2014, the gym of the SMU was used for non-standard general population housing.¹⁵ Immediately prior to the 17-year-olds being housed on A-Wing, the area had been used for industry bakery workers at the facility and these workers are still housed on the other two SMU wings.

Devoting a full wing only to the 17-year-old population means that there are empty cells, a rarely seen phenomenon in IDOC facilities, and that there are that many fewer open beds for adult inmates, which further limits administrators' options for where adult inmates can be housed. JHA frequently hears that lack of open bedspace in facilities makes inmate cell reassignment very difficult and can even result in situations where the only open beds are in segregation. Recent IDOC population reduction has created more open bedspace in general population at some facilities, including Illinois River. However, given that the reduction of juvenile population within IDJJ has resulted in empty wings on units in juvenile facilities, our current population distribution in state custody may not represent the best overall use of limited state resources and custodial space.

As of the end of 2015, IDJJ reported 524 youth¹⁶ were housed at six facilities with a reported bedspace capacity for 1,242 youth (about 42%),¹⁷ while system-wide in IDJJ there were 63 teachers, a rough ratio of 12 youth to one teacher, and more security staff, 593, than youth.¹⁸ Nearly 70% of the youth in IDJJ custody are 17-20 years old.¹⁹ In a recent IDJJ press release announcing plans to close one of the six facilities, IDJJ stated that as of February 10, 2016, juvenile population was 436 when the agency had room for 989 youth to be single-celled (without utilizing any confinement cells) and even with the closure of IYC-Kewanee the agency would still have bedspace for 683 youth.

At Illinois River, from the 17-year-olds unit's inception through the end of 2015, a period of five months, 31 different youth have been housed at the facility. When the unit opened on July 29, 2015 there were fewer than a dozen youth, and administrators reported a population high of 25 youth. This population is in constant flux due to youth turning 18 or new 17-year-olds coming in

¹⁵ JHA reported on other facilities' use of non-standard and gym housing use throughout the agency during this period. See e.g. JHA's 2013 Graham Correctional Center report, available at <http://thejha.org/>.

¹⁶ See December 2015 IDJJ numbers, available at <http://www.illinois.gov/idjj/Documents/December%20Monthly%20Profile.pdf>.

¹⁷ With 70 of these being for female youth. Capacity numbers taken from IDJJ individual facility pages, available at <http://www.illinois.gov/idjj/Pages/Facilities.aspx>.

¹⁸ See November 2015 IDJJ numbers, available at <http://www.illinois.gov/idjj/Documents/Public%20Profile%20Report%20-%20November.pdf>.

¹⁹ 361 youth, or 68.4% of the in-facility population, as of December 2015, available at <http://www.illinois.gov/idjj/Documents/December%20Monthly%20Profile.pdf>.

from IDOC reception. On November 16, 2015, JHA visited the facility, and at that time the unit housed 20 youth. As of February 1, 2016, the unit housed 11 youth.

Of the 31 distinct youth who had been housed on the unit from July 29, 2015 through December 31, 2015:

- Racial demographics were identified as: 80% Black (25), 10% White (3), and 10% Hispanic (3).
- Committing counties included: 48% Cook (15), 23% Champaign (7), 6% Winnebago (2), and 3% or one each from Christian, Jefferson, Kane, Macon, McLean, Peoria, and Rock Island.
- Of the youths' convictions: 55% (17) were Class X felonies, 25% (eight) were Class 1, 3% (one) were Class 2, 10% (three) were Class 3, 3% (one) was Class 4, and one youth had a Murder conviction.²⁰
- Sentences of the youth ranged from less than two years in IDOC to nearly 60 years.

Of 31 youth who had been through the unit, a third (10) had been convicted of offenses that remain automatic transfer offenses in 2016: seven had been convicted of aggravated battery with discharge of a firearm, two had aggravated criminal sexual assault convictions, and one had a murder conviction. The youth with the murder conviction had been recently admitted to the facility and was not yet enrolled in educational programming, though administrators reported they were attempting to get him enrolled. He will turn 18 shortly and may be transferred to a higher security facility with less available programming. Programming is generally not available to inmates with significant time left to serve within IDOC, as waitlists are often prioritized based on time left to serve.

At Illinois River all youth will be considered medium-security, although some may be later classified upon their 18th birthday as lower or higher security based on their offense and other factors. At the time of the JHA visit, staff stated that two of the youth would qualify for placement at a minimum-security facility and that they would do the paperwork for them to be transferred to a minimum-security facility, if warranted, on their 18th birthday. Reasons a youth may not be approved for placement at a minimum-security facility would include if they had

²⁰ Offenses of the youth were: one Murder (with a sentence of 50 years, as well as 10 year sentence for a Class X Aggravated Battery/Discharge of a firearm); Class X – 19 youth: seven Aggravated Battery/Discharge Firearm (sentences ranged from six to 24 years), six Armed Robbery/No Firearm (sentences ranged from six to 20 years), one Armed Violence/Category 1 weapon (10 years), two Aggravated Criminal Sexual Assault (sentences of 10 and 30 years (youthful victim) – note these offenses also require sex offender registration and a three year to life term of Mandatory Supervised Release (MSR), or parole, term)), one Armed Robbery/Armed with Firearm (21 years); Class 1 – eight youth: three Aggravated Robbery/Indicating Armed with Firearm (sentences ranged from four to 13 years), two 2nd Degree Murder (sentences of eight and 12 years), one Robbery/School/Place Worship (10 years), one Unlawful Vehicular Invasion (9 years), one Aggravated Discharge Firearm/Occupied Building (10 years); Class 2 – one Other Amount Narcotic Schedule I & II (5 years); Class 3 – three youth: three Aggravated Battery/Great Bodily Harm (sentences of five years); and Class 4 - one Aggravated Unlawful Use of a Weapon/Vehicle (two years). One youth had a high escape risk designation.

insufficient remaining length of stay or if they had recent a negative behavioral adjustment. If denied, inmates can request to be re-reviewed for placement after six months.

Of the 20 youth who had turned 18 by February 2016, 18 had stayed on at Illinois River in general population (one paroled from general population), one former-youth transferred to Dixon and one former-youth transferred to Pontiac. Ten youth of the remaining original 31 from 2015 remained under 18 and on the unit. Only one youth had paroled while still 17 and had recently returned to custody and was back at Illinois River, while still 17, after about a three week stay at NRC.

IDOC facilities are frequently understaffed, and due to retirements at the time of JHA's visit to Illinois River, there was only one of three Wardens at the facility. Nonetheless, SMP youth benefited from special staff attention. Management of this population requires that youth be escorted for any movement outside of the wing. During transport youth will also be in close physical proximity to the staff and may be dropped off in the Sallyport of the institution for an intake process conducted separately from older inmates. While a youth must be escorted to an activity, once the youth arrives at that given activity the staff assigned to the area where the activity is occurring may take over the direct supervision. When youth have visits or are in school they must sit close to the security officer or teacher. Generally, management of movement for youth at Illinois River seemed well-coordinated and thoughtfully executed. Administrators noted that they try to have security staff consistency for the youth on the unit, unlike the typical practice in adult facilities where staff are rotated or assigned to positions based on factors, such as seniority, that are unrelated to rapport with particular populations. The facility devotes significant staff and programming resources to the youth population.

JHA was pleased to hear that the majority of the 31 youth who had been housed on the unit, 19 youth, had received a visit while at the facility. However, several youth were upset about the long waits for visit and phone approvals, commonly more than a month including time in reception and time at Illinois River, before they were able to have family contact. Youth fill out visit and phone lists during facility orientation and administrators stated that these were processed right away. However, as JHA has previously noted, it is common within IDOC for phone approvals to take a long time, and we frequently hear from inmates, families, staff and administrators that it takes three to four weeks for the phone system, operated by Securus Technologies, to allow calls or process changes. The reason for such delays is unclear. Administrators stated that counselors would allow brief free calls for youth prior to phone approvals or sometimes even if the youth had a disciplinary restriction, acknowledging that frustration and anxiety due to lack of family contact can be very difficult for youth and disruptive to the environment.

At the time of the November JHA visit, youth went to dietary on the last shift, for brunch around 8 am and dinner around 4 pm. During the visit several youth complained that they were hungry and not getting enough food. Growing youth likely have greater nutritional needs than most older inmates.²¹ Staff noted that like many teenagers, some youth are up late being loud on the unit and some prefer to sleep in as opposed to going to meals or school. Initially introduced as a cost-

²¹ Reflecting this, IDJJ's menu differs from IDOC's, including more fresh fruit, dairy, and snacks.

saving pilot at some medium-security facilities, JHA has reported concerns that the brunch initiative proved to be a major source of complaints from inmates, introduced medication issues, and did not appear to garner any significant cost savings or efficiencies. JHA is pleased to report that since our visit, IDOC has ceased serving brunch at facilities, returning to three daily meals.

At Illinois River, youth will have about one hour and fifteen minutes of active recreation twice a day on gym or yard, and during the summer often had three recreation periods with an evening yard time added. Additionally, youth have dayroom two times a day for an hour and half each and administrators stated they intended to soon offer an additional dayroom period on the youth unit. Most of the youth had additional out-of-cell activity for school or had a job on the unit. The fact that youth (who are not in segregation status, as discussed below) are offered about six hours out-of-cell activity most days, appears sufficient, although more restrictive than most youth facilities. During the visit, several youth expressed that they would like to spend more time outside of their cells, particularly outdoors. Administrators indicated that they are working to address this by increasing dayroom time and organized activity, specifically mentioning that youth had participated in Leisure Time Services facilitated activities including board games and basketball contests. Since the visit, the youth now reportedly also have use of a foosball table.

At the time of the visit, 13 of the 20 youth were enrolled in school, with five in Adult Basic Education (ABE) classes and seven in General Educational Development (GED) classes. During the visit, some youth expressed that they did not feel they were learning much in school because they were expected to do work in their workbooks and the teaching was not very interactive. Educational staff informed JHA that in 2016 youth would be grouped together in one class in a computer lab, a setting more similar to the system in youth facilities, instead of youth having classes with adult inmates under direct staff supervision, which was the practice at the time of the visit. Additionally, classroom time was expected to increase from two and a half hours daily to three and three quarter hours.

In November 2015, there were four non-post-secondary teachers for more than 2,000 inmates at Illinois River, a ratio of one to 500+. The facility was not using any inmate Teaching Assistants (TAs), although staff indicated they may consider it. Like all IDOC facilities, Illinois River has substantial waitlists for educational programs with Fiscal Year 2015 materials provided by administrators showing a waitlist of 318 inmates for ABE. Youth at Illinois River are privileged in that they are prioritized for school placement, although a few were waiting class placement at the time of the visit. Youth who have a Test of Adult Basic Education (TABE) score higher than a 6.0 cannot be mandated to be in school, while those with a lower score are mandated for 90 days.²² Those placed in segregation will lose their class places, at least temporarily. In contrast, all youth in IDJJ custody are expected to be in school, and facilities have teacher ratios goals of one teacher to 10 students for general education and one teacher to six students for special education. Illinois River administrators reported that since the visit, they are considering the idea of using weekend segregation placements for youth that would not interfere with their school

²² In IDOC, inmates who have a TABE score lower than a composite 6.0, which is a sixth grade equivalency, and meet certain other requirements are mandated to enroll for 90 days in ABE class. *See*, 20 Ill. Adm. Code 405.50, Adult Basic Education Attendance, available at <http://www.ilga.gov/commission/jcar/admincode/020/020004050000500R.html>.

attendance (school is offered Tuesday-Friday at Illinois River). However, none of the youth at Illinois River as of February 2016 had lost school placement due to discipline.

As of the end of 2015, of the 31 youth who had been housed on the unit, administrators reported nine were enrolled in mandatory ABE, four were in advanced ABE, one was in Career Tech, three were waitlisted for mandatory ABE, five were not mandated and did not elect to participate in school, six were reported to not currently be eligible to be in school due to disciplinary reasons, two were not in school due to writs or transfers, and one youth's education placement was not reported. One youth reported to JHA that it had taken him several months to get into school.

Illinois River has the advantage of offering several post-secondary vocational offerings through Lake Land Community College, including a program where students finishing their GED may be able to enter directly into a Culinary Arts program instead of having to be waitlisted. Educational staff believed they had a great opportunity with the youth at the facility to get them into programming. Education opportunities are detailed to youth in a special facility orientation, but staff noted that they probably could do more to inform youth of their unique opportunities. Staff noted that since the 17-year-old unit started the youth had not received any disciplinary tickets in school, but staff anticipated once the youth were consolidated into one class they would see some of the behavior issues noted on the housing unit. Under the practice at the time of the visit youth were in adult classes and required to sit in front by the teacher, and staff noted they appeared shy.

Youth have assigned library time and may submit requests to attend. During the JHA visit, some youth expressed that they would like more access to books to read on their own. Staff noted that some youth were opting to not come on library passes in order to do other things like see the barber. Again, the designated timeframe for youth to use of the library area limits other inmates' access. JHA noted that additionally having a library cart available on the unit might be a good idea.

Healthcare staff reportedly make rounds on the youth housing unit daily. The mental health professional whom is also the facility PREA coordinator works closely with the youth and is on the unit at least once a week. This staff member works more closely with youth with a mental health diagnosis and those who are approaching their 18th birthday and moving off of the unit. Only two of the 31 youth who had been housed on the unit were reportedly on the mental health caseload. Mental health medications require parental or guardian consent. At the end of 2015, administrators reported that no youth since the inception of the unit had required crisis placement.

The clinical services supervisor, who is the head of counseling, also works very closely with the youth and is on the unit at least weekly. This is a marked contrast to general population counselor services within IDOC, where counselors commonly have caseloads of over 200 inmates and are only required to make contacts every 60 days in general population contacts or every 30 days inmates in segregation.

Staff reported that the major youth behavioral issue is that the youth are "mouthy" or disrespectful, and that there is a lot of threatening from youth to staff. Staff noted that a youth

who is a leader and bad influence can have a major disruptive effect on the unit. One difficulty of working with the youth is their inability to appreciate the consequences of their actions, which increases the likelihood of impulsive negative behavior. Also younger inmates may tend to believe that everything is personal or have a sense of entitlement and do not like to hear "no." Some staff noted that observations about younger inmates can also be true of younger staff, or people generally.

Out of 20 youth on the unit at the time of the JHA visit, eight were identified as Security Threat Group (STG) or gang affiliated. As this unit is the only place for housing male 17-year-olds, there has been an instance where two of the youth had conflicts with one another and had Keep Separate From (KSF) orders at another facility. However, staff reported that the youth were able to work through the issue and had not displayed any problems with being housed on the same unit. The facility has limited ability to separate youth from one another.

Segregation for 17-year-olds at Illinois River is conducted on the wing in two of the cells near the front of the unit. Segregation status youth have limited privileges and property and do not go to programming, such as school. As noted above, administrators were considering revising this so that youth may have a chance to stay in school and serve weekend segregation times if necessary to stress the importance of their education. Each youth in segregation status will be limited to individual segregation recreation for one hour a day Monday through Friday. Phone calls are also typically limited and visits are only non-contact. Of the 31 youth who had been housed on the unit through the end of 2015, eleven youth received disciplinary segregation terms ranging from five days to a high of 60 days, which was reduced 44 days. The youth who had the longest segregation term had transferred to the Illinois River unit on segregation status from another adult facility where he had acquired very significant segregation time. Administrators reported that since he had his segregation reduced at Illinois River he had not had behavioral issues. We note that cases such as this are a major reason why JHA advocates for 17-year-olds to be housed and managed together within adult facilities instead at various IDOC facilities, where we observed individual youth in more isolated conditions have behavioral issues and accumulate disciplinary tickets. JHA was pleased to hear that staff are trying to limit use of segregation with this population and give them more chances in terms of number of tickets received as compared to the older inmates, as well as providing segregation cuts for improved behavior. Staff were using progressive discipline, including giving recreation or dayroom restrictions prior to giving a youth a segregation term. Nonetheless, disruptive behavior and use of segregation are particular concerns for this population. Staff noted that some youth could not go a day without getting into trouble and that a few of the youth would be transferring from A-Wing segregation to Illinois River's regular adult segregation unit on their 18th birthday.

JHA visited the unit during a dayroom period and most youth were on the unit socializing, many playing cards. Several youth recognized a JHA staff member from a legal literacy clinic at the Cook County Juvenile Temporary Detention Center (JTDC), which is offered to youth automatically transferred to adult court for prosecution (AT kids). In general youth on the unit appeared in good spirits, although several expressed some anxiety about their legal situations and wanted to rehash their cases or discuss the perceived unfairness of their convictions in relation to others. In particular, youth were interested in talking about how some of their co-defendants engaged in similar or worse conduct and were in juvenile custody, while they now faced adult

time. Several expressed that they wished they were in juvenile custody. A youth stated that he wished he were back at JTDC because they were out of their cells more, had activities, and he had better relations with staff, who were “nicer.” Another youth stated that he preferred the IDJJ facility IYC-St. Charles because of differences in treatment by correctional officers. One youth attributed difficulties with staff to the fact that staff at Illinois River were more disrespectful because they thought of them as “just 17 and just kids” so that they could talk to them in any way they wanted. JHA raises these examples to highlight youths’ perceptions of treatment between the juvenile and adult systems. We also note that youth and staff concerns about “disrespect” went both ways, and it is an area to focus on improving.

One youth who was in segregation at the time of the visit and who had been frequently in trouble, shared that he had been in custody prior to the consolidation of 17-year-olds at Illinois River and expressed that he done better when he was at a different adult facility and stated that he had not gotten any tickets, compared to his time on this unit where he had multiple segregation placements. A youth reported a complaint regarding having only two showers a week in segregation status, which is fairly generous compared to some IDOC adult segregation or even reception units where showers would be offered once a week (although note that correctional best practice standards typically call for three showers weekly for segregation).

Staff reported receiving very few grievances from youth on the unit. Illinois River staff and administrators responded promptly to particular concerns or requests JHA raised and we encourage IDOC to continue to consider whether youth on this unit can and should have different restrictions and privileges than general population adult inmates at this facility. Some may argue for acclimating youth to the realities of adult incarceration more quickly given the fact that within a maximum of 364 days these young men will be treated like everyone else, but JHA believes a more gradual transition will likely be beneficial, and importantly, less potentially traumatizing, long term.²³

Some staff believed that housing youth together was good from a safety perspective, but expressed that they believed the youth could benefit from having limited interactions or mentoring from select older inmates who have more experience in the environment. This sort of mentoring, if executed well, could potentially help acclimate youth to the expected behavior in an adult facility, as in the issue discussed above regarding respect and expectations of mature behavior. Staff expressed awareness that youth may relate better to individuals who have similar cultural backgrounds or lived experiences than to staff. At the time of the November 2015 JHA visit, Illinois River did not have adequate staff diversity and had to borrow a minority IDOC staff member from the Peoria Adult Transitional Center (ATC) in order to meet staff diversity requirements for Adjustment Committee disciplinary hearings. The issue of lack of staff diversity was also previously noted in JHA’s 2012 monitoring report for the facility. Since the visit, administrators reported now the facility has three staff members who are minorities and they are being trained to be able to participate in disciplinary hearings.

Some staff were interested in having more incentives for youth, such as the ability to use the gym for movie nights, noting that when the SMU gym was used for nonstandard overflow housing

²³ See e.g. Farrington, D. P., Loeber, R. and Howell, J. C. (2012), *Young Adult Offenders*. Criminology & Public Policy, 11: 729–750, available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9133.2012.00842.x/full>.

they had a big screen television and couches set up. Staff noted that initially they gave youth use of state loan televisions but all the youth lost the use of the televisions due to behavior within three weeks. Staff also reported the need for more drug and alcohol treatment for the population and mentioned that a number of the youth were themselves fathers and may benefit from parenting education programming. There is some special programming, including drug education and volunteer run programming, at Illinois River, and youth reportedly can participate in as long as there is staff supervision. Staff believed that goals were good for youth and that they should be getting more reentry and educational resources sooner. This is very much the trend within the juvenile system. Similarly, many youth expressed that they were very interested in more educational, substance abuse treatment, or other programming, particularly that could earn them sentence credits. JHA believes such rewards and incentives for positive behavior, as now commonly used in juvenile settings, particularly where they relate to programming proven to reduce recidivism such as education, can be highly motivating and appropriate. Moreover, given crowding throughout the adult system, sentence credit incentives advance sorely needed population reduction efforts.

Interestingly, many staff believed that youth who were in transitional ages up into mid-twenties would benefit from targeted programming. They commented that almost all of these young people will be released. As of the end of Fiscal Year 2014, about five percent of IDOC's incarcerated population, 2,340 individuals, were under 21. Another approximately 1,251 individuals were on IDOC parole before their 21st birthday, comprising more than four percent of the parole population. Nearly 12% of IDOC's in custody population, 6,000 individuals, were under 25. These numbers represent enough inmates to fill several large prisons with young adults.

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Overall, JHA believes that the Illinois River SMP represents a reasonable compromise for IDOC housing male 17-year-olds appropriately according to PREA standards while providing youth with access to positive programming activities and we were impressed with individual staff efforts. Nonetheless, holistically, from an agency and State resource standpoint, this population is extremely costly due to increased staff time needed as well as housing limitations and programming needs. JHA continues to advocate for a 17-year-olds to be held in juvenile facilities until they turn 18. We note that for female youth and higher security or treatment need male youth, there remain ongoing questions of agency ability to meet their needs, and JHA remains concerned about long stays in isolated reception center settings.

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.

Inmates may send privileged mail to JHA, P.O. Box 10042, Chicago, IL 60610-0042.

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.



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Models for **Change**
Systems Reform in Juvenile Justice

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