

Testimony in support of the FY23 Proposed Budget for the Illinois Department of Corrections to the Senate Appropriations—Criminal Justice Subcommittee, March 1, 2022.

I. Correctional experience and expertise:

John Howard Association (JHA): JHA is the only independent citizen correctional oversight organization that goes into Illinois' prisons to directly observe conditions and speak with staff, administrators and people who are incarcerated.

II. JHA puts forth the following recommendations regarding the proposed budget for IDOC, FY23:

1. As has been recommended for years, it appears that the Illinois Department of Corrections (IDOC) engaged an independent consultant to assess operations and infrastructure in order to gauge if the Department can fulfill the legal and moral mandate to maintain safe, humane, and rehabilitative prisons, and determine how the Department can better meet its mandate and act on this assessment by renovating, repurposing, consolidating and closing facilities as necessary and indicated. A consolidation plan and facility operational overview and restructuring document have been publicly mentioned but only one of them has been made available for public review. Information should be made public in order to assess if limited resources are being directed effectively to reach the goal of a prison system that is safe, humane and rehabilitative.
2. While JHA questions whether certain allocations of dollars in IDOC's proposed FY23 budget are reasonable and accurate projections due to current issues around understaffing and contracting, reducing funding to IDOC will likely lead to increased detrimental impact to people who live and work in prisons, including the further erosion of programming and treatment for people in prison and worsening already poor living and working conditions.
3. To support these investments, Illinois must commit to further reducing Illinois' prison population by revising sentencing policies that keep people in prison far longer than is required to further public safety. Older, sicker individuals require more of scarce resources and supports, which are difficult to properly provide within carceral setting. Failing to meet these needs results in other costs and harms.

4. IDOC/Illinois also must reform and increase the transparency of the procurement process in order to ensure that state contracts make efficient use of scarce resources and that contracts can be executed such that people in IDOC custody do not experience increased deprivation.

Recommendation 1: After many years of discussing the need for an independent assessment of IDOC's operations and infrastructure to gauge if the Department can fulfill the legal and moral mandate to maintain safe, humane, and rehabilitative prisons, and determine how the Department can better meet its mandate and act on this assessment by renovating, repurposing, consolidating, constructing and closing facilities as necessary, this step appears to have commenced. The resulting documents and plans should be shared publicly in order to assess how limited resources can be best deployed to provide a safe, humane and rehabilitative system for people in state custody.

IDOC requires an extraordinary amount of capital funding to fix its decaying prisons, and a staggering amount of additional funding will be needed for IDOC to modernize its outmoded operations and facilities. Additionally, it is clear that the State is long past the point of no return in terms of the high costs associated with keeping several existing prisons operational, doing so is cost prohibitive, and incompatible with achieving rehabilitative goals and humane conditions. It is time to conduct and share a full assessment of the existing facilities, looking at issues, costs and needs; bearing in mind that many of the prisons in Illinois are in need of significant maintenance investment and are not conducive to modern programmatic or security related best practices.

Before Illinois can remedy the cumulative effects of lack of long-term planning and the State's failure to properly maintain or modernize IDOC for decades, however, it would be prudent to take the following steps:

1. Articulate achievable goals for corrections;
2. The comprehensive evaluation conducted by independent entities should clearly articulate what corrections requires to achieve these goals, including, but not limited to, a thorough appraisal of the viability of the physical structures IDOC operates. And, if it is expected that a prison will be utilized by corrections for decades to come, what modifications are essential to meet current needs of the incarcerated population, while improving living conditions and safety. Repurposing, consolidating, and closing of prisons should be factored into this evaluation;
3. Develop and share a complete cost estimate for the implementation of this plan and identify/designate resources;
4. Implement the plan.

Leaking roofs, broken equipment, the presence of vermin and failed plumbing are but a few of the many problems that are pervasive throughout IDOC. JHA has witnessed these issues firsthand as an independent citizen monitoring organization that routinely goes into prisons to observe and document the conditions of Illinois' correctional facilities. JHA has heard from many of IDOC's prison staff about the immense challenges they routinely face when trying to implement modern correctional practices and treatment using antiquated equipment and spaces in outdated facilities, and the legitimate security

concerns created by problems such as failing communication systems. JHA has also heard from thousands of people who are incarcerated who are deeply concerned with whether the water they drink is safe or the air they breathe is clean. If such necessities are wanting, IDOC is effectively incapable of focusing on the programmatic, medical and mental health, and rehabilitative needs of people in their custody.

Recommendation 2: Do not reduce IDOC's budget at this time; plan for possible further reductions if certain governmental responsibilities for the care of people in custody are reallocated from IDOC to other state agencies through intergovernmental agreement, such as the provision of medical and mental health care. IDOC has not been resourced to address degrading conditions of confinement. Securing needed medical and mental health treatment for people who are incarcerated has not come to fruition. In addition, the current commissary crisis inside Illinois prisons makes clear that IDOC has not provided adequate food, clothing, hygiene items and other necessities to people in custody for quite some time and must begin doing so.

IDOC is not, and has not been, adequately funded or structured in a way that allows the Department to fulfill its goal of increasing public safety by promoting positive change and rehabilitation, operating successful reentry programs, and reducing victimization. Currently the Department can merely incapacitate the majority of the men and women in its custody, but cannot provide the level of care, education, training, and treatment necessary to further its mission or serve the best interests of Illinois. IDOC is also not in full compliance with consent decrees resulting from litigation and several statutes, including the Crime Reduction Act of 2009, which calls for much more than implementing risk assessment instruments, one of the areas of this law that the Department is finally beginning to execute.

Currently, the static prison population is artificially low relative to the past 15 years due to a reduction in new admissions resulting from IDOC and Illinois county court systems' response to the COVID-19 pandemic during calendar years 2020 and 2021. IDOC has no control over how many people are sentenced to prison, and the downward trend of prison admissions can reverse at any time.

The state's unwillingness to maintain and modernize IDOC's infrastructure has resulted in a perilous deficit. Thus, a low prisoner population relative to years past should not be viewed as an impetus for immediate reduction of IDOC's budget. On the contrary, the reduced prisoner population may, at best, provide IDOC an opportunity to make up for lost ground by meeting urgent needs that have gone unaddressed for years and respond to needs laid bare during the pandemic, such as need to improve technological infrastructure throughout IDOC and make communications devices available to everyone in state custody.

Truth in Sentencing guidelines and automatic sentence enhancements ensure that IDOC will be housing a large percentage of people incarcerated for decades to come, and these policies have resulted and will continue to result in a rise in the average age of people in

custody over time thereby increasing costs.¹ Additionally, there are more people in IDOC diagnosed with a mental illness now than there were twenty years ago. Like the aging population, people requiring mental health treatment require more resources to incarcerate than others.

Recommendation 3: Further reduce Illinois' prison population by revising sentencing policies that keep people in prison far longer than is required to further public safety and applying these revisions retroactively.

If the prison population is further reduced in a way that does not jeopardize public safety, the Department will be able to do more for the people in its custody, as resources will not be stretched so woefully thin. Lower prisoner to staff ratios (security and non-security) will improve programmatic outcomes for prisoners. Also, reduced demand upon the limited physical space and scarce necessities available within Illinois' prisons will also improve investment in creating humane living conditions.

A further reduced prison population will also address many of the safety concerns routinely voiced by both people in custody and staff, and improve working conditions for the front-line staff whom we depend upon to implement the policies that will improve outcomes in corrections. Better conditions and allocation of resources within prisons will help attract and retain qualified staff.

Excessive sentences have been shown to have little impact on public safety, while causing harm in myriad ways. Better aligning punishment with rehabilitative and community safety goals will make more efficient use of limited funds and recognize our common humanity. In order for the impact of sentencing policy changes to be realized, retroactive application must be considered.

Recommendation 4: IDOC Procurement processes must be made transparent and recommendations for needed changes that will allow IDOC to meet the needs of people in custody should be put forward in order to make sure that procurement policies are fair, sensible, and implementable without undue negative consequences.

Frequently procurement decisions are made based on emergent issues without solicitation of feedback, adequate consideration of front-line user experience, and with potential unforeseen negative impacts. In the past several months in trying to come into compliance with state procurement regulations and be responsive to a repeated audit finding regarding a specific contract, IDOC moved to a single statewide vendor to provide commissary for every prison. This has created a disastrous situation leading to extreme deprivation of necessary items for people in prison. Not only has this situation exposed a contracting issue that must be addressed, it has laid bare the lack of state resources being expended to meet the basic needs of people who are incarcerated. People incarcerated in Illinois should not have to rely on commissary to meet their nutritional, hygienic and other basic needs. When the state denies a person their liberty, the state becomes responsible for the safety and welfare of that person. Food

¹ It costs over twice as much to house an elderly prisoner in comparison to younger prisoners according to the National Institute of Justice (see <https://s3.amazonaws.com/static.nicic.gov/Library/018735.pdf>)

that meets nutritional and health guidelines, weather appropriate clothing, adequate supplies of soap, toilet paper, and feminine hygiene products, along with materials to stay in touch with loved ones on the outside are just some of the basic needs that each person should have met at the state's expense.

In closing, JHA asks this committee to consider this submitted testimony and the recommendations contained herein. Without adequate resources for the Department to operate safe, humane, and rehabilitative correctional facilities, the health and wellbeing of people in prison continues to be jeopardized.

Respectfully Submitted,



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