



John Howard Association of Illinois

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2015 Monitoring Report for IYC-St. Charles

IYC-St. Charles is Northern Illinois' medium-security facility for boys. St. Charles also serves as the northern Reception and Classification facility for Illinois.



Vital Statistics:

Population: 226

Average Age: 18.5

Average Annual cost per youth: \$87,000

Population by Race: White (9%), Black (74%),
Hispanic (17%)

Committing offense: Murder 2%, Class X felonies 11%,
Class 1 felonies 27%, Class 2 felonies 38%, Class 3
felonies 11%, Class 4 felonies 11%, Misdemeanors 0%
(Source: IDJJ on 4/2015)

Key Observations:

- St. Charles has made progress in increasing mental health staffing levels. However, serious understaffing in other areas persists. In particular, youth continue to spend large amounts of idle time locked in their cells and they are unable to attend school full-time due to inadequate education and security staffing.
- Incarcerated youth have a constitutional right to access the courts. This right is not being met at St. Charles. Youth do not have adequate access to law library materials and legal assistance as necessary to allow them to collaterally challenge delinquency judgments or conditions of confinement.
- Large juvenile facilities like St. Charles face greater challenges than small facilities in replacing traditional punitive disciplinary practices with reward-based behavior management programs. Compared to large state-run facilities, small, community-based treatment settings are also more effective in providing individualized services and rehabilitating youth. St. Charles administration and staff need greater financial resources, staffing, technical support and training to safely and effectively implement new behavioral management programs. Over the long term Illinois should move away from a large state-run juvenile prison model towards a small, community-based treatment model.
- Litigation is helping to remedy unconstitutional conditions of confinement in IDJJ facilities. Illinois' lawmakers must support, and not obstruct, court-ordered remedies to prevent further harm to youth. However, lawmakers should also look beyond immediate litigation to create a long term strategic plan that adopts standards of excellence, rather than just minimum constitutional standards, for the care of delinquent youth. As part of this plan, Illinois' lawmakers should also consider shifting the management of delinquent juveniles from state to community control, and invest in community-based treatment options in place of juvenile prisons. Further, decisions regarding youth parole and release should be decentralized, individualized, and placed in the hands of local providers who are best able to evaluate youths' individual risks and needs.

Executive Summary

The John Howard Association of Illinois (JHA) conducted a full monitoring visit of Illinois Youth Center (IYC)-St. Charles (St. Charles) in April 2015, and an abbreviated follow up visit in September 2015. St. Charles is unique among the Illinois Department of Juvenile Justice (IDJJ) facilities in that it includes both a Level 2 medium-security male youth correctional facility and a Reception and Classification center (R&C) for male youth upon their initial commitment to IDJJ custody before they are assigned to parent facilities. Having these dual functions, St. Charles is the largest of IDJJ’s six youth facilities in terms of both number of staff employed and the size of the youth population. St. Charles’ population is diverse in terms of the various stages at which they find themselves in the juvenile justice process and their resulting treatment needs.

St. Charles’ size and the diversity of its population make the process of implementing major reforms especially challenging. When JHA visited in April 2015, the facility employed roughly 185 staff on active duty (excluding the 25 staff on short or long term leave). The facility housed a total of 226 youth. During the month of April, 166 youth were screened through the R&C unit prior to assignment to a parent facility. Out of the total facility population of 226, 28 youth were designated as “Special Treatment” youth, that is, youth with moderate to intermediate chronic mental health issues.¹ A total of 80 youth, more than a third St. Charles’ population, were incarcerated due to “technical” parole violations, meaning they violated parole for “technical” reasons, including failing to abide by a parole condition like curfew or attending counseling, but were not charged with a new criminal offense. Another 24 “court writ” youth were provisionally housed at St. Charles to facilitate their transportation to and from court in ongoing, pending court cases. In addition, a total of 15 youth were committed to St. Charles with the purpose of incarcerating them for short periods between 30 to 90 days to perform court evaluations.²

Of St. Charles’ total population of 226 youth, 125 youth were between the ages of 16 and 17, comprising more than half the population (52 percent). A total of 92 youth were 18 or

¹ Traditionally youth with acute mental health issues and youth adjudicated delinquent of sex offenses have been housed at Kewanee, which is designated as IDJJ’s “special treatment facility.” See IDJJ: Facility Data, Youth Center Kewanee, available at https://www.illinois.gov/idjj/Pages/Kewanee_IYC.aspx However, reductions in IDJJ’s and Kewanee’s populations over the last year, coupled with the Governor’s recent announcement that he intends to close Kewanee by July 2016, will likely impact where these special populations housed in the coming months.

² Court evaluations, which are also known as a “bring back orders,” are 30-, 60-, or 90-day commitments to IDJJ, during which time administrators assess a youth’s rehabilitative needs to inform the judge’s sentencing decision. Upon completion of the term of commitment, youth return to court with an evaluation. At that time, the court may determine to discharge the youth from IDJJ custody or return them to IDJJ to serve the remainder of their sentence.

older, comprising 42 percent of the population. Youth between the ages of 13 and 15 made up the smallest portion of the population, consisting of 17 youth in total.

Even under the best of circumstances, instituting major reforms in juvenile justice practices is extremely difficult.³ Studies suggest that major reform is even more difficult for large facilities like St. Charles that house 200 or more youth and can ultimately prove unworkable in the long term.⁴ Prevailing research indicates the “Missouri Model,” which uses numerous small residential treatment centers to treat and securely house delinquent youth (generally less than 50 at a time) close to their communities (generally within 75 miles of their homes), is far less expensive and far more effective at reducing recidivism than using large institutions modeled after adult prisons.⁵

As it stands, no formal plan has been put forward by Illinois lawmakers to decarcerate state facilities with the end goal of realigning the care of juveniles from state-run facilities to community-based treatment. On February 12, 2016, however, the Illinois’ Governor announced his intent to close one of IDJJ’s six remaining youth centers, IYC-Kewanee, which has struggled for many years to provide adequate staffing and services to delinquent youth with acute mental health needs.⁶ In conjunction, IDJJ’s Director issued a statement explaining that the decision to close IYC-Kewanee was part of a larger objective of “[t]ransitioning Illinois to a new model of rehabilitating youth that aligns with national best practices and improves community safety”⁷ This would include relying more on small, treatment-focused facilities, and reserving secure custody in state facilities for only the highest risk youth who pose a threat to public safety

JHA strongly supports this objective, and believes that the closing of IYC-Kewanee presents an ideal opportunity for Illinois to reinvest resources in our communities and realign our juvenile justice system with the best practices exemplified by the Missouri Model. At the same time, we are mindful that major changes require careful planning.

³ See Jeffrey A. Butts and Douglas N. Evans, *Resolution, Reinvestment, and Realignment: Three Strategies for Changing Juvenile Justice*, John Jay College of Criminal Justice (2011) (documenting the complexities and unintended consequences that can result from various juvenile justice reform strategies), available at <http://johnjayresearch.org/wp-content/uploads/2011/09/rec20111.pdf>

⁴ See Juvenile Justice Information Exchange News, *Large Youth Prisons Inherently Prone to Abuse*, Casey Says by Matt Smith (July 29, 2015), available at <http://jjie.org/previous-reforms-of-old-model-youth-prisons-eventually-fail-casey-says/>; Richard A. Mendel, Annie E. Casey Foundation, *No Place For Kids: The Case for Reducing Juvenile Incarceration* (2011), available at <http://www.aecf.org/resources/no-place-for-kids-full-report/>.

⁵ See Annie E. Casey Foundation, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders* (2010), available at <http://www.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf>; Beth M. Huebner, *The Missouri Model: What Works for Juvenile Corrections*, available at <https://www.umsl.edu/ccj/.../2012/2012Huebner.pptx>.

⁶ See JHA Monitoring Reports IYC- Kewanee, 2011 - 2014, available at <http://www.thejha.org/kewanee>.

⁷ See February 12, 2015, *Statement from Candice Jones, Director, Illinois Department of Juvenile Justice on the Proposed Closing of IYC-Kewanee*, available at <http://www.illinois.gov/idjj/Documents/Statement%20on%20IYC-Kewanee%20Proposed%20Closure.pdf>.

While small, community–based treatment facilities reduce recidivism and are proven to be more cost effective, the initial development of such facilities will require a substantial monetary investment and the recognition by lawmakers that cost-savings are unlikely to be realized in a single election cycle.

Further, the real and immediate needs of youth who are currently incarcerated cannot be overlooked in the enthusiasm to downsize IDJJ. The closing of IYC-Kewanee necessarily will require relocating youth to other IDJJ facilities, including St. Charles. As described in the report that follows, St. Charles currently does not have the resources and staffing needed to meet minimum standards of care for its existing population. With the proposed closing of IYC-Kewanee and anticipated relocation of those youth to IDJJ’s remaining facilities, the import of addressing staffing, resource, and programming deficiencies at St. Charles and throughout IDJJ is all the more pressing.

This report addresses the following issues: (1) Behavioral Management Reforms: CPI and PBIS; (2) Barriers to Behavioral Management Reforms: Workforce Instability, Understaffing, and Underfunding; (3) Confinement and Discipline; (4) Educational and Recreational Programming; (5) Limits of Litigation in Addressing Facility Issues; (6) Law Library Services and Legal Materials; and (7) Mental Health Services and YASI.

(1) Behavioral Management Reforms: Crisis Prevention Institute (CPI) and Positive Behavioral Intervention and Supports (PBIS).

When JHA visited St. Charles in September 2015, the facility was in the process of instituting several major reforms as contemplated under the consent decree and remedial plan entered in the litigation, *RJ v. Jones*.⁸ These reforms include beginning to train all staff in Crisis Prevention Institute (CPI) techniques, which are non-physical, verbal de-escalation methods used to reduce staff reliance on use of force and the use of confinement.⁹ St. Charles also was in the ongoing process of implementing the Positive Behavioral Intervention and Supports (PBIS) program, a behavior management system focused on modifying behavior through rewards and positive incentives rather than harsh sanctions, throughout the facility.¹⁰

⁸ Pursuant to the court-ordered consent decree and remedial plan entered in *R.J. v. Jones*, St. Charles and all IDJJ facilities are in the process of implementing a broad spectrum of major reforms to comply with minimum constitutional standards of care and treatment for imprisoned juveniles. These reforms include improving staffing levels, data collection and staff training, increasing youth education, programming, and mental health treatment, and reducing reliance on confinement and use of force. See American Civil Liberties Union of Illinois website, *RJ v. Jones: Court Documents*, available at <http://www.aclu-il.org/r-j-v-bishop/case-documents/>.

⁹ For a detailed explanation of the CPI program model, see CPI’s website, available at: <http://www.crisisprevention.com>.

¹⁰ For a more in-depth description of the use of PBIS in secure juvenile facilities, see Jeffrey Sprague, et al., *Adopting and Adapting PBIS for Secure Juvenile Settings: Lessons Learned*, available at <http://pages.uoregon.edu/ivdb/documents/Adopting%20and%20Adapting%20PBS%20in%20Secure%20Juvenile%20Justice%20Settings.pdf>.

PBIS and CPI present special challenges for St. Charles and other IDJJ facilities because these programs represent a fundamental paradigm shift in how facilities respond to negative youth behavior. Considering the magnitude of the operational and cultural shifts involved in using these new techniques, complications in PBIS's and CPI's execution are to be expected. IDJJ is still in the early stages of implementing PBIS and CPI agency-wide. While St. Charles began using PBIS in its school in 2007, expansion of PBIS facility-wide did not begin until 2014. Likewise staff training in CPI started in spring of 2015.

An administrator estimated that realistically it would take three to five years for St. Charles to be fully functional in PBIS/CPI techniques and culture. As discussed below, institutional factors such as frequent turnover in facility managers, inadequate frontline staffing, and insufficient funding also act as barriers to reform.

(2) Barriers to Behavioral Management Reforms: Workforce Instability, Understaffing, and Underfunding.

Instability and inconsistency in program implementation caused by frequent turnover in facility management can seriously impede reform. For example, in the five months between JHA's April and September 2015 visits, a new Superintendent and a new Assistant Superintendent of Operations assumed positions at St. Charles. Frequent changes in facility management can result in staff receiving mixed messages, uneven training, and inconsistent directives and supervision. Lack of managerial stability can also generate a sense of learned helplessness among staff.¹¹ Staff who once felt competent, good at their jobs and invested in their own professional development can become lethargic and disengaged when the resources and tools they need to perform their jobs well are outside their control. Facility managers and administrators likewise are at risk of burnout and attrition when the demands placed on them to safely reform facilities far outpace the resources that are provided to them.

Turnover in management positions is not unusual, particularly at juvenile facilities that house the most challenging, difficult youth populations.¹² In fact, correctional research shows that the inability to attract and retain long term correctional leaders is a problem throughout the nation.¹³ In Illinois, administrative correctional leadership positions can be particularly difficult to fill and retain because the level of job security and compensation for facility administrators is often less than for supervisory line staff positions. As noted

¹¹ See National Council on Crime and Delinquency, *Job Turnover in Child Welfare and Juvenile Justice: The Voices of Former Frontline Workers* (2006), available at http://www.cpsr.us/workforceplanning/documents/06.02_Job_Turn_Chld_Well.pdf; James B. Jacobs, Elana Olitsky, *Leadership and Correctional Reform*, 24 Pace Law Review, Vol. 477 (2004), available at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1201&context=plr>.

¹² For instance IYC-Kewanee, which houses youth with acute mental health issues as well as youth convicted of sex offenses, has a similar history of high managerial turnover.

¹³ See James B. Jacobs, Elana Olitsky, *Leadership and Correctional Reform*, 24 Pace Law Review, Vol. 477 (2004), available at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1201&context=plr>.

by JHA in our recent policy paper on State hiring practices, sweeping remedial reform of Illinois’ juvenile justice facilities cannot realistically be accomplished without addressing instability in the correctional workforce, and investing greater resources to increase job satisfaction, morale, professional training and career development to attract and retain capable facility administrators and frontline staff.¹⁴

Chronic understaffing in key areas, particularly security, also presents a major barrier to reform. To illustrate, when JHA visited St. Charles in April 2015, security staff were severely overextended. On the day of our visit, eight security staff had been assigned to transport youth to and from court proceedings. Consequently, only two housing cottages were fully supervised with two security staff on duty, leaving the remaining six cottages with only a single security staff to supervise youth.¹⁵

Several staff and administrators voiced concern that serious fights and assaults were increasing at St. Charles because CPI and PBIS, at least in their current incarnation and not yet fully implemented, were ineffective to control a small portion of highly aggressive, violent youth. An administrator noted that inadequate staffing levels tend to produce low staff morale and high staff stress, burnout and turnover which, in turn, can contribute to negligence and poorer job performance. Echoing these concerns, some youth reported that staff was unpredictable and inconsistent in enforcing rules, and that they did not seem to care about doing their jobs. Other youth reported incidents of staff taking out their personal frustrations on youth by cursing at them and becoming disproportionately angry for minor rule infractions.

Both a staff member and an administrator speaking separately to JHA in September 2015 and January 2016 felt that the security situation at St. Charles was “out of control.” Notably, when JHA visited St. Charles in April 2015, two major fights involving multiple youth had occurred earlier that morning. A security staff member noted that vulnerable youth felt intimidated and anxious because St. Charles’ environment had become more emotionally charged and unpredictable. Some staff expressed frustration at feeling unfairly cut out of the reform process. In particular, a number of frontline security staff felt that the on-the-ground problems they experienced in trying to maintain order and safety using PBIS were not taken seriously.

¹⁴ See JHA Policy Paper: *State Hiring Practices and Illinois Corrections: A Complex Problem in Need of Straightforward Solutions*, available at <http://thejha.org/sites/default/files/State%20Hiring%20Practices%20and%20Illinois'%20Corrections.pdf>.

¹⁵ Notably, pursuant to the remedial plan in *RJ v. Jones*, IDJJ anticipates developing a system to track and calculate actual youth to security staff ratios in the housing units over the next 12 months. See Court-appointed expert report of Dr. Barry Krisberg, *Progress of the Safety and Welfare Remedial Plan: R.J v Jones*, p. 14 (October 30, 2015), available at <http://www.aclu-il.org/wp-content/uploads/2013/08/RJ-Krisberg-Nov-2015-report.pdf>. Data collection regarding the actual number of security staff present in the living units is essential to assess whether youth are safely supervised. As demonstrated by the example above, although facility security staffing numbers may appear adequate on paper, this does not account for the reality that security staff are often called upon to perform duties away from the facility such as transporting youth to and from court.

JHA agrees that reforming IDJJ facilities requires open communication and collaboration between administrators and staff, and the direct involvement of staff in agency decision making. To that end, IDJJ has taken some important steps in the right direction. For instance, in 2015 IDJJ collaborated with the American Federation of State, County and Municipal Employees (AFSCME—the union which represents State correctional staff) to conduct an anonymous survey of staff in every IDJJ facility to obtain staff feedback, including feedback on tools needed to obtain staff buy in new programs.¹⁶ JHA applauds these efforts and believes that such open discussion and collaboration between staff and administrators are key to achieving meaningful, lasting reform.

When JHA followed up at St. Charles in September 2015, administration stated that the facility was in the process of revamping the PBIS program and “starting over from scratch.” To that end, administrators were holding weekly meetings to develop a new points and rewards system and more meaningful behavioral incentives and consequences. They were also exploring ways to reduce the amount of forms and paperwork involved in the implementation of PBIS and CPI to maximize the amount of one-on-one time staff spend with youth.

JHA commends St. Charles’ administrators for their proactive efforts to maximize limited staff resources to increase PBIS effectiveness. There is no question that documentation and data collection are critical to evaluating and ensuring that juvenile justice programs adhere to rigorous evidence-based standards. However, the realities of limited staffing also must be taken into account in implementing new programs, including limited clerical and records staff. Where staff’s ability to effectively function and provide quality direct services to youth is compromised by unduly time-consuming data and recording practices, we agree that data collection and record keeping practices must be retooled. If criminal justice data collection and evidence-based program assessment are, in fact, priorities to Illinois’ lawmakers, then facilities must be adequately funded and staffed with clerical and recordkeeping personnel.¹⁷

Fidelity to model standards and proven methodologies is essential for evidence-based programs to work.¹⁸ At the same time, it is important to remember that implementation of PBIS, CPI and similar reforms is not an academic exercise, but a dynamic, pragmatic process that entails unanticipated factors and variables. Administrators and staff must have the flexibility, professional support, and resources to identify program shortcomings and to constructively adapt programs to address real world problems in individual

¹⁶ See IDJJ, *Improving Youth Outcomes: Six-month Progress Report Illinois Department of Juvenile Justice, March 2015 - August 2015*, p.6, available at <http://www.illinois.gov/iIDJJ/Documents/IDJJOperatingPlanSixMoUpdateSept1.pdf>.

¹⁷ See Office of the Illinois Governor, Executive Order 15-14 (February 11, 2015): “Whereas the Governor recognizes the necessity of data collection and analysis by state agencies in producing public safety outcomes that will reduce crime, reduce recidivism, and protect the citizens of Illinois;...” available at <http://www.icjia.org/cjreform2015/pdf/ExecutiveOrder2015-14.pdf>.

¹⁸ See Center for Juvenile Justice Reform, *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice* (December 2010), available at http://cjjr.georgetown.edu/wp-content/uploads/2015/03/ImprovingEffectiveness_December2010.pdf.

facilities’ execution. Flexibility, adaptability, cultural awareness, and sensitivity to the needs of youth with histories of trauma are especially important when model evidence-based programs like PBIS are imported from non-custodial settings to correctional settings.¹⁹ Research in child development bears out that “...[i]ndividualized behavioral interventions based on culturally competent behavioral analysis that takes into account different contingencies, reinforcers, and culturally based patterns and meanings of behavioral response is essential for culturally diverse youth.”²⁰

For new program initiatives like PBIS and CPI to succeed, stable funding must also be available. Lack of adequate discretionary funding has repeatedly been cited as a barrier to PBIS’s implementation. Specifically, staff and administrators at St. Charles and other facilities report they lack funds to purchase tangible items like pizza or gift cards to reward and reinforce the successful use of PBIS methods by youth and staff. While such tokens of recognition may seem trivial, they can prove instrumental to fostering “buy-in” and positive morale among youth and staff for the PBIS program.²¹ It also is not clear to JHA how funding for PBIS incentive programs is allocated among IDJJ facilities. For example, in contrast, to St. Charles, IYC-Kewanee reported ample funding for its PBIS incentive program when JHA visited the facility in both spring of 2015 and February 2016.

Youth at St. Charles suggested that in place of prizes, the best PBIS incentives would be to allow them to earn time off their sentences and the opportunity for an earlier Administrative Review Date (ARD) and release on parole by accumulating good behavior points through PBIS.²² JHA supports this recommendation, and believes that

¹⁹ See Edward Cancio and Jesse W. Johnson, *Level Systems Revisited: An Important Tool for Educating Students with Emotional and Behavioral Disorders*, International Journal of Behavioral Consultation and Therapy Volume 3, No. 4 (2007), available at: <http://files.eric.ed.gov/fulltext/EJ801236.pdf>; Wanda K. Mohr, PhD, et al, *Beyond Point and Level Systems: Moving Toward Child-Centered Programming*, American Journal of Orthopsychiatry American Psychological Association, Vol. 79, No. 1, 8–18 (2009), available at: http://traumaticstressinstitute.org/wp-content/files_mf/1276634262BeyondPointsandLevels.pdf

²⁰ Wanda K. Mohr, PhD, et al, *Beyond Point and Level Systems: Moving Toward Child-Centered Programming*, p. 13, available at: http://traumaticstressinstitute.org/wp-content/files_mf/1276634262BeyondPointsandLevels.pdf

²¹ See Brian C. McKeivitt, Angelisa D. Braaksma, *Best Practices in Developing a Positive Behavior Support System at the School Level*, available at https://www.thewatsoninstitute.org/nu_upload/files/PBIS%20Best%20Practices.pdf.

²² Youth who are adjudicated delinquent and committed to IDJJ custody receive an indeterminate sentence, rather than a finite sentence. However, juvenile sentences cannot exceed the maximum sentence that an adult could receive if convicted of the same offense. Once incarcerated, youth can be released in one of two ways; first, by being granted parole by the Prisoner Review Board (PRB); second by “aging out” of the juvenile system upon turning age 21. Within the first ten days of a youth’s incarceration, IDJJ issues a formulaic ARD that is based primarily on the youth’s committing offense. The ARD effectively serves as a “projected” parole date for youth, in that it is the earliest date at which youth appear before the PRB for a hearing and determination of whether the youth should be released. For a detailed explanation of the ARD process, see: *Illinois Department of Juvenile Justice Policy Bulletin: Projecting an Administrative Review Date* (May 1, 2011), available at <http://www.dhs.state.il.us/page.aspx?item=58066>.

IDJJ should explore this possibility further. Using early release as a PBIS reward to incentivize positive youth behavior could meet the dual ends of reducing program costs while minimizing the length of juvenile incarceration in recognition that prolonged incarceration can traumatize youth and undermine rehabilitation.²³

(3) Confinement and Discipline

Despite the staffing and funding issues described above, PBIS and CPI show some significant promise for reducing reliance on confinement and use of force at St. Charles and other IDJJ facilities.²⁴ To illustrate, when JHA visited St. Charles in June 2014, the average length of stay for a youth in disciplinary confinement was 1.2 days. By contrast, when we visited again in April 2015, the average length of stay for youth in confinement had dropped dramatically to 3.13 hours. While use of confinement has declined, mechanical restraints (*i.e.* handcuffs, arm or leg shackles) are still used at a higher rate at St. Charles than most IDJJ facilities.²⁵ With ongoing staff training in the use of CPI, however, it is hoped that reliance on restraints at St. Charles and other IDJJ facilities will decrease over the coming year.

The dramatic decline in St. Charles' use of disciplinary confinement is a laudable, important accomplishment. The reality remains, however, that youth at St. Charles are frequently confined in their cells for excessive periods of time. As discussed *supra*, St. Charles is severely understaffed with security personnel. Consequently, it is not uncommon for youth to spend most of the day locked in their cells because there is not enough security staff on duty to allow for safe youth movement and activity. Lack of youth movement and activity creates a vicious cycle in that confined, idle youth are more likely to act out violently and aggressively, which undermines facility safety. In turn, increased incidents of youth aggression help to undermine staff confidence that alternative behavioral interventions like CPI and PBIS can, in fact, effectively control institutional violence when adequate staffing, infrastructure, training, and support are in place.²⁶

²³ See Jeffrey Fagan & Aaron Kupchik, *Juvenile Incarceration and the Pains Of Imprisonment*, 3 Duke Forum for Law & Social Change 29-61 (2011), available at <http://scholarship.law.duke.edu/dflsc/vol3/iss1/3>.

²⁴ See Jeffrey Sprague et al., *Adopting and Adapting PBIS for Secure Juvenile Settings: Lessons Learned*, available at <http://pages.uoregon.edu/ivdb/documents/Adopting%20and%20Adapting%20PBS%20in%20Secure%20Juvenile%20Justice%20Settings.pdf>; Glen Dunlap, Cheryl Ostry, & Lise Fox, *Issue Brief: Preventing the Use of Restraint and Seclusion with Young Children: The Role of Effective, Positive Practices* (February 2011), available at http://challengingbehavior.fmhi.usf.edu/do/resources/documents/brief_preventing.pdf; Substance Abuse and Mental Health Services Administration: *Issue Brief No. 4, Promoting Alternatives to the Use of Seclusion and Restraint* (2010), available at <http://www.mass.gov/eohhs/docs/dmh/rsri/issue-brief-4.pdf>.

²⁵ See Dr. Barry Krisberg, *Progress of the Safety and Welfare Remedial Plan, RJ et al. v Jones* (October 2015), available at <http://www.aclu-il.org/wp-content/uploads/2013/08/RJ-Krisberg-Nov-2015-report.pdf>.

²⁶ *Council of Juvenile Correctional Administrators Toolkit: Reducing the Use of Isolation* (March 2015), available at <http://webcache.googleusercontent.com/search?q=cache:wNTLIZgHfr8J:http://cjca.net/attachments/article/>

Regardless of whether confinement is labeled as “disciplinary,” its destructive impact on adolescent health is the same and its use under any name is unconscionable in a civilized society.²⁷ In recognition of the “devastating psychological consequences” that can result from solitary confinement, on January 25, 2016, President Obama adopted new rules restricting its use in federal prisons, including banning the use of solitary confinement altogether for juvenile offenders.²⁸ St. Charles and IDJJ as a whole are to be commended for adopting new policies that have drastically reduced the use of disciplinary confinement.²⁹ The greater challenge now, however, is to eliminate the regular use of non-disciplinary confinement as a routine condition of incarceration in Illinois’ youth facilities.

(4) Education and Recreational Programming

Lack of educational staff has remained an ongoing, intractable issue at St. Charles for some time. When JHA visited the facility in April 2015, administration indicated that despite ongoing efforts to increase educational staffing levels, the situation had not improved since JHA’s last visit in June 2014. St. Charles was able to hire a school psychologist in April 2015. However, half of the 24 authorized teacher positions remained unfilled at that time. Administrators expressed frustration at the inability to make lasting headway in staffing in all areas. As an administrator described it, “the more people we hire, the more experienced people we lose to other jobs or to retirement, so it’s a zero sum game.” Another administrator similarly described the situation as “robbing Peter to pay Paul,” in that the promotion of experienced staff to fill vacancies inevitably left vacancies in other critical positions.

JHA saw direct evidence of this problem in the six months that transpired between our April and September 2015 visits. When JHA visited in April, administration was pleased to inform us that more recreational activities, such as running and weightlifting, were available to youth because two longstanding vacancies for Leisure Time Activity (LTA) specialists (staff in charge of planning and organizing youth recreation) were finally filled in March 2015. When JHA returned to St. Charles in September 2015, however, both LTA positions were again vacant because the staff had been promoted to other positions. Consequently, recreational programming, and the facility’s ability to reward positive

[751/CJCA%2520Toolkit%2520Reducing%2520the%2520Use%2520of%2520Isolation.pdf%2Bsolitary+juvenile+increase++violence+corrections&rlz=1T4VRHB_enUS602US602&hl=en&&ct=clnk.](#)

²⁷ See Human Rights Watch, American Civil Liberties Union, *Growing Up Locked Down: Youth In Solitary Confinement in Jail and Prisons Across the United States* (2012), available at <https://www.aclu.org/files/assets/us1012webwcover.pdf>; American Academy of Child and Adolescent Psychiatry, *Policy Statement: Solitary Confinement of Juvenile Offenders* (December 2012), available at https://www.aacap.org/aacap/policy_statements/2012/solitary_confinement_of_juvenile_offenders.aspx.

²⁸ See White House Press Release, *Factsheet: Department of Justice Review of Solitary Confinement*, available at <https://www.whitehouse.gov/the-press-office/2016/01/25/fact-sheet-department-justice-review-solitary-confinement>.

²⁹ See ACLU of Illinois, *Summary of New IDJJ Policies That Prohibit Juvenile Solitary Confinement* (April 2015), available at <http://www.aclu-il.org/wp-content/uploads/2015/04/Summary-of-new-IDJJ-confinement-policy-4-27-15-2.pdf>.

youth behavior with added recreation under the PBIS program, was limited. An administrator reflected that the lack of LTA staff “played hell with the [PBIS] incentives program.”

When JHA revisited St. Charles in September 2015, educational staffing had not appreciably improved. Administration reported that employment offers were pending for several new teaching staff. As of September 2015, however, there were still 10 outstanding teaching vacancies, including two for special education teachers and three for vocational training instructors. One notable improvement at St. Charles in April 2015 was the hiring of a school psychologist.

The importance of adequate teaching staff and educational programming in juvenile facilities cannot be overstated and should be treated as a priority by Illinois’ lawmakers. As matter of federal and constitutional law, incarcerated youth have a right of equal access to a free quality public education comparable to traditional public schools.³⁰ This includes a right to individualized special education services up to the age of 21 for youth with learning disabilities who are incarcerated in either IDJJ or IDOC.³¹ Youth with learning disabilities on average constitute between 30 to 40 percent of IDJJ’s population.³²

Apart from the State’s legal obligations, however, the interests of the public safety and welfare also demand that State lawmakers provide incarcerated youth with quality education, including vocational training and post secondary education opportunities. Research shows that high-quality correctional education measurably reduces youth re-incarceration rate, making our communities safer.³³ Funding correctional education is also sound economic policy, as research shows that every \$1 invested in correctional education can cut re-incarceration costs by between \$4 and \$5 during the first three years post-release.³⁴ As stated by former United States Attorney General, Eric Holder, and

³⁰ See U.S. Department of Education, *Correctional Education in Juvenile Justice Facilities: Guidance Package, Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities* (December 8, 2014), available at <http://www2.ed.gov/policy/gen/guid/correctional-education/cr-letter.pdf>.

³¹ See Illinois Legal Aid, *Disabilities Guidebook: Special Education and Related Services* (2014), available at http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=227

³² See U.S. Department of Education, *Correctional Education in Juvenile Justice Facilities: Guidance Package, Letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities Clarifying State and Public Agency Obligations Under the Individuals with Disabilities Education Act* (December 5, 2014), available at <http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf>.

³³ *Letter to Chief State School Officers and State Attorneys General, December 8th Letter from Attorney General Holder and Secretary Duncan On the Importance of Providing High-quality Correctional Education*, available at <http://www2.ed.gov/policy/gen/guid/correctional-education/index.html>; IDJJ Monthly Report September 2015, available at <http://www.illinois.gov/iIDJJ/Documents/Monthly%20Report%20September%202015.pdf>.

³⁴ *Letter to Chief State School Officers and State Attorneys General, December 8th Letter from Attorney General Holder and Secretary Duncan On the Importance of Providing High-quality Correctional Education*, available at <http://www2.ed.gov/policy/gen/guid/correctional-education/index.html>.

former United States Secretary of Education, Arne Duncan, in their December 8, 2014 letter to Chief State School Officers and State Attorneys General across the country, “[h]igh-quality correctional education is thus one of the most effective crime-prevention tools we have.”³⁵

In JHA’s 2015 policy paper on State hiring practices, we noted that the Governor and Legislature passed legislation in 2014 to streamline and expedite the application, screening and hiring process for IDJJ teacher candidates.³⁶ However, this legislation, standing alone, had not yet solved the problem of chronic understaffing of teachers at St. Charles when we last visited in April 2015. A St. Charles administrator noted that while the job application process for teacher candidates was simpler, delays in completing criminal and personal background checks were an ongoing obstacle to timely filling positions. As detailed in JHA’s policy paper on state hiring, IDJJ does not have the power to address this problem on its own. Rather, the responsibility falls on the Governor and Legislature to prioritize the issue by affording sufficient funding and human resources to ensure timely completion of background checks for State correctional hires.

Lack of educational staffing has a profound impact on youths’ quality of life during incarceration, as well as their likelihood of successful community reentry. When JHA visited St. Charles in April and September 2015, youth could only attend school half-days because of insufficient teaching staff. The minimal legal standards for youth requiring special education instruction could not be met. No post-secondary education was available to youth who had completed high school. The only vocational training available was a custodial maintenance program, which did not allow youth to receive professional certification upon completion.

Youth that JHA spoke with were discouraged by the lack of educational programming at St. Charles, as well as the quality of education. In particular, many youth continue to express dissatisfaction with the self-directed online computer educational programming. On the one hand, academically challenged, lower functioning youth expressed a desire for more individualized, one-on-one teaching instruction because they felt overwhelmed and lost in the online computer courses. On the other hand, high functioning, academically accomplished youth also expressed a desire for more in-person classroom instruction and interaction with teachers, and greater diversity in subject matter, because they were bored and unchallenged by the online computer courses.

In sum, both academically high functioning and low functioning youth wanted more individualized attention and closer student-teacher relationships. Youths’ observations in this regard echo best educational practices set forth by the U.S. Departments of Education and Justice for secure juvenile detention facilities, which caution against overreliance on online “credit recovery” education programs, to the exclusion of individualized, personal

³⁵ Ibid, footnote 34.

³⁶ See JHA Policy Paper: *State Hiring Practices and Illinois Corrections: A Complex Problem in Need of Straightforward Solutions*, available at <http://thejha.org/sites/default/files/State%20Hiring%20Practices%20and%20Illinois'%20Corrections.pdf>.

instruction by qualified teachers, especially with “students who cannot read at the level at which the course is designed.”³⁷

(5) Limits of Litigation in Addressing Facility Issues

JHA recognizes that IDJJ has narrow control over many aspects of the hiring process in filling teacher vacancies.³⁸ However, pursuant to the consent decree and remedial plan entered in *R.J. v. Jones* in 2014, St. Charles and all IDJJ facilities are mandated under federal court order to implement major reforms to comply with minimum constitutional standards of care for imprisoned juveniles, including increasing educational programming and staffing at St. Charles.³⁹

The reality is, however, that absent full cooperation and prioritization by the Governor and Legislature in addressing unconstitutional conditions for youth in IDJJ, the courts’ power to timely remedy the situation is limited. It is one thing to order the State to remedy unconstitutional conditions, and another thing to timely enforce State compliance.⁴⁰ Ideally, litigation over unconstitutional prison conditions increases public transparency and creates an opportunity for open discussion and negotiation among all stakeholders, including prisoners, frontline correctional staff, facility administrators, agency heads, and the Governor and the Legislature on best policies and practices.⁴¹ Under the circumstances, statements by Associate General Counsel for the Illinois Governor’s Office to the Illinois House Revenue and Finance Committee broadly disavowing the legitimacy of consent decrees are cause for consternation.⁴²

³⁷ See U.S. Department of Education and U. S. Department of Justice, *Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings* (December 2014), available at <http://www2.ed.gov/policy/gen/guid/correctional-education/guiding-principles.pdf>. See also Southern Education Foundation, *Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Education Systems, A Study of Juvenile Justice Schools in the South and the Nation* (2014), available at <http://www.southerneducation.org/getattachment/cf39e156-5992-4050-bd03-fb34cc5bf7e3/Just-Learning.aspx>.

³⁸ See JHA Policy Paper: *State Hiring Practices and Illinois Corrections: A Complex Problem in Need of Straightforward Solutions*, available at <http://thejha.org/sites/default/files/State%20Hiring%20Practices%20and%20Illinois'%20Corrections.pdf>.

³⁹ See American Civil Liberties Union of Illinois website, *RJ. V. Jones: Case Documents, Consent Decree and Remedial Plan*, available at <http://www.aclu-il.org/r-j-v-bishop/case-documents/>.

⁴⁰ See Will Singer, *Judicial Intervention and Juvenile Corrections Reform: A Case Study of Jerry M. v. District of Columbia*, 102 J. Crim. L. & Criminology 901 (2013) (discussing the benefits and drawbacks of prison litigation to cure unconstitutional prison conditions), available at <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7440&context=jclc>.

⁴¹ See Margo Schlanger, *Plata v. Brown and Realignment: Jails, Prisons, Courts, and Politics*, Harv. C. R. -C. L. L. Rev. 48, no. 1 (2013): 165-215, available at http://harvardcrcl.org/wp-content/uploads/2013/04/Schlanger_165-215.pdf.

⁴² Specifically, Associate General Counsel for the Governor’s Office, Donovan Borvan, submitted a prepared statement at the August 12, 2015 Hearing before the House Revenue and Finance Committee on Consent Decrees. that court-ordered consent decrees compelling the State to remedy constitutional

JHA agrees that litigation, standing alone, cannot fix Illinois' correctional system. Moreover, from the perspective of prisoners, court-ordered remedies often come too late. Even where a court-ordered decree and remedial plan is in place, it often takes a decade or more before prisoners actually see conditions of confinement improve measurably. The most dramatic example of this problem is perhaps *Brown v. Plata*, where after 20 years of litigation and court orders compelling California to remedy unconstitutional prison crowding, the court as a last resort had to order the State to release 30,000 prisoners to remedy cruel and unusual prison conditions that violated the Eighth Amendment.⁴³

In short, *Plata* powerfully illustrates that unconstitutional prison conditions cannot be timely remedied without the cooperation, support, and political will of the Governor and the Legislature to uphold the law and constitution in Illinois' prisons. Absent litigation and court involvement, it is dubious that Illinois lawmakers would have fully acknowledged and taken timely, concerted action of their own initiative to remedy harmful, unconstitutional conditions in youth facilities. Indeed, nongovernmental

violations and to treat imprisoned IDJJ youth with minimum constitutional standards of care prevent the Agency, the Governor and Legislature from implementing even better policies and practices:

“***If these court orders produced outcomes that were fair and left some discretion to future governors and future General Assemblies, the situation would not be so dire. If federal courts truly knew best how agencies should operate to provide services to the most vulnerable of our citizens, there would be less cause for concern about these decrees. The reality though is that consent decrees produce poor results while limiting state agencies' ability to craft better policy and more effective methods to serve the citizens of Illinois. Court orders are bad policymakers, and the experience in this state with respect to these consent decrees is that government by court orders produces poor outcomes. The Governor has assembled a team of agency directors and staff who are better able than federal courts to direct policy and reform state agencies. The Rauner administration will endeavor at every opportunity to work with the General Assembly and allow our leaders to develop policies that work, policies that produce better results than any court order could require. While the budget impasse has opened the door to increased involvement by state government by federal courts, we will seek to limit the involvement of the courts in policy and budget in going forward. The first step, though, to reducing the impact of federal courts and state operations is for the General Assembly to provide a balanced budget to the Governor. If the General Assembly will fulfill this constitutional requirement and do its job, the Governor and the state agencies can begin the process of providing services in the most efficient and effective manner to those citizens who rely upon them. We are ready to improve the way the state agencies provide services to our citizens, and we look forward to providing taxpayers and the State with exceptional outcomes and value for their money.***”

As of March 9, 2016, this statement was not yet publically posted online or available through the Illinois' General Assembly website. See *Illinois 99th General Assembly, House Hearing Details, Revenue & Finance Committee Hearing Details, Subject Matter: Consent Decrees 8/12/2015*, available at: <http://my.ilga.gov/Hearing/LegislationInfo?hearingId=13273&ccclerkvoteid=0&legislationdocumentid=0&chamber=H&tab=1>. Portions of the statement also appear in media reports. See Kurt Erickson, “*Analysis: State on Track to Overspend Revenue by \$5 Billion*,” *The Southern Illinoisian* (August 13, 2015), available at <http://press.senaterepublicancaucus.com/ArticleDetails.aspx?aid=181606>. Therefore, for a complete copy of the statement contact the Illinois Governor's Office.

⁴³ See *Brown v. Plata*, No. 09–1233, 131 S. Ct. 1910 (2011), available at <http://www.supremecourt.gov/opinions/10pdf/09-1233.pdf>.

stakeholders, including JHA, have been reporting on these conditions for years. If, in fact, the political will exists to craft better policies and more effective methods to treat juveniles, as some lawmakers have suggested, nothing in court orders or current litigation prevents the Governor and Legislature from acting of their own initiative to speed reform efforts and adopt standards of excellence, rather than mere minimum constitutional standards of care in IDJJ facilities.⁴⁴

(6) Law Library Services and Legal Materials

While youth at St. Charles have access to a spacious and well-stocked general reading library, they do not have ready access to law library services and materials. St. Charles administrators indicated in March of 2016 that the library currently contained one copy of the Illinois Juvenile Court Act, the Code of Criminal Law and Procedure and the Administrative Code, but that efforts were being made to obtain more. As it stands, current statute books, case law, examples of court pleadings, or guides on how youth can challenge their sentences and conditions of confinement are not easily available to youth. Further, youth commonly do not have ready access to assistance from a paralegal or an attorney to assist them in preparing and filing court documents. In short, incarcerated youth have no practical means of accessing the courts. The barrier to court access is also compounded by virtue of the fact that the majority of incarcerated youth have some degree of mental health issues and/or special education needs.⁴⁵ These conditions are not unique to St. Charles, however, but typify IDJJ facilities.⁴⁶

All prisoners, including juvenile prisoners, have a constitutional right to access the courts under the due process clause.⁴⁷ This includes a right of access to law library materials and legal services while imprisoned.⁴⁸ At a constitutional minimum, correctional facilities

⁴⁴ Ibid., note 42. See also Juvenile Justice Information Exchange, Kim Tandy, *Analysis: Litigation Is Important Tool in Youth Corrections Reform* (March 9, 2016), available at <http://jjie.org/analysis-litigation-is-important-tool-in-youth-corrections-reform/205871/>

⁴⁵ See *Illinois Department of Juvenile Justice 2015 Operating Plan: Improving Youth Outcomes*, available at <https://www.illinois.gov/idjj/Documents/DJJ%202015%20Strategic%20Plan%20March%2020%202015.pdf>. See also National Evaluation and Technical Assistance Center, *Factsheet: Youth with Special Education Needs in Justice Settings*, available at http://www.neglected-delinquent.org/sites/default/files/NDTAC_Special_Ed_FS_508.pdf.

⁴⁶ Lack of access to law library materials and assistance is a longstanding problem in IDJJ facilities. To illustrate, in 2011, the Illinois Juvenile Justice Commission reported the following: “The Commission visited the libraries at seven of the eight facilities and none had a current copy of the Illinois Administrative Code and Illinois Compiled Statutes. Youth are thus completely unable to access information about their rights.” See *IJJ Commission Youth Reentry Improvement Report* (December 13, 2011), available at <http://www.dhs.state.il.us/page.aspx?item=58038>.

⁴⁷ See generally *Bounds v. Smith*, 430 U.S. 817 (1977), available at <https://supreme.justia.com/cases/federal/us/430/817/case.html>; *Lewis v. Casey*, 518 U.S. 343 (1996), available at <https://supreme.justia.com/cases/federal/us/518/343/case.html>. See also *John L. v. Adams*, 969 F.2d 228 (6th Cir. 1992) (recognizing that, like adult prisoners, juvenile prisoners also have a due process right to access the courts).

⁴⁸ *Supra*, note 43.

therefore are required to provide prisoners with the basic legal resources needed to attack their convictions, directly or collaterally, and to challenge the conditions of their confinement.

In Illinois, the right of imprisoned juveniles to access the courts is expressly codified under the Illinois Administrative Code (Code) which provides, *inter alia*, “[e]ach youth center shall provide opportunities for access to library services and legal materials...”⁴⁹ The Code further provides that imprisoned youth shall be allowed access to photocopying services to prepare court filings, and to assist and be assisted by other youth in the preparation of court documents.⁵⁰ St. Charles General Population Youth Handbook similarly informs youth: “In accordance with Department Rule 430, you will have access to library services and legal materials.”⁵¹

Based on our observations, JHA believes that the constitutional and statutory rights of incarcerated youth to access the courts are being violated. Under current conditions, incarcerated youth at St. Charles and other IDJJ facilities do not have access to basic law library services, legal materials or legal assistance needed to collaterally challenge their adjudications or their conditions of confinement.⁵² Ensuring that incarcerated juveniles have access to the courts is especially critical given that juvenile defendants have fewer post conviction remedies than adult defendants and are subject to a shorter statute of limitations. Illinois law precludes juveniles from filing petitions under the Post-Conviction Hearing Act, the traditional means by which a criminal defendant raises claims of actual innocence or constitutional violations based on newly discovered evidence.⁵³ Consequently the only recourse for a juvenile defendant seeking to collaterally challenge delinquency adjudication based on newly discovered evidence or actual innocence is to file a petition for relief from final order — a civil remedy that must be filed within one year of the date of adjudication.⁵⁴

⁴⁹ 20 IL ADC 2430.20, available at <ftp://www.ilga.gov/JCAR/AdminCode/titles.html>.

⁵⁰ 20 IL ADC 2430.30; 20 IL ADC 2430.40, available at <ftp://www.ilga.gov/JCAR/AdminCode/titles.html>.

⁵¹ This statement appears in the 2011 copy of St. Charles General Population Youth Handbook. However, St. Charles administrators informed JHA in March of 2016 that they are currently finishing final revisions on a new comprehensive youth handbook that will combine the R and C handbook, the General Population Handbook, and the PBIS Handbook into one document for youth.

⁵² For purposes of direct appeal, the rights of juveniles to access the courts are adequately protected because youth are provided with free counsel on direct appeal. See Illinois Supreme Court Rule 661.

⁵³ See 725 ILCS 5/122-1 *et. seq.*; *In re William M.*, 206 Ill. 2d 595 (2003).

⁵⁴ 705 ILCS 405/2-32. See also Joshua Tepfer and Laura Nirider, Northwestern School of Law Faculty Working Papers, *Adjudicated Juveniles and Post-Conviction Litigation* (2012) (arguing that Illinois law should be amended to grant juveniles a right to petition for relief under Post Convictions Hearing Act), available at: <http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/222>

To rectify this situation and protect incarcerated youths’ right to access the courts, JHA recommends the following.

First, we recommend that IDJJ should: (1) perform an inventory of every IDJJ facility to identify deficits in the law library materials and legal services currently available to youth; (2) ensure that up-to-date copies of essential legal reference materials, including but not limited to current editions of the Illinois Juvenile Court Act, the Illinois Criminal Code, and the Illinois Administrative Code, are available in all youth facility libraries; and (3) partner with Illinois Bar Associations, law schools and pro bono legal assistance foundations to develop a volunteer program to educate incarcerated youth on legal issues and the right to access the courts, supply sample legal documents and forms for youth, and provide youth with an identifiable, easily accessible person they can contact for further legal assistance.⁵⁵

Second, we recommend that the Illinois Legislature and Governor amend the Post-Conviction Hearing Act to provide juvenile defendants the same rights as adult defendants to bring constitutional claims for post-conviction relief.⁵⁶

(7) Mental Health Services and Youth Assessment and Screening Instrument (YASI)

St. Charles has been successful in increasing mental health staffing, treatment and programming in the last year.⁵⁷ Most notably, youth housed in the Reception and

⁵⁵ Notably, the Illinois Administrative Code Section 2410.20 expressly contemplates IDJJ establishing legal education programs for youth, and sets out detailed requirements and procedures for doing so:

“(a) Educational programs regarding legal issues may be conducted with the approval of the Director or his designee. (b) The person conducting such programs for committed youth shall be: (1) An attorney licensed to practice law in the State of Illinois, or (2) A law student or paralegal affiliated with a law firm or a legal service organization or with a legal clinic under the auspices and direction of an accredited law school. (c) Requests to conduct a legal issues program shall be submitted in writing to the Director or his designee. (1) The request shall include a description of the qualifications of the person conducting the program, a proposed curriculum for the course with an outline of the course objective, areas to be discussed, guest speakers, if any (including their credentials), and any materials to be used by the class. (2) A law student participating in a teaching program must present certification from the Dean of his law school indicating that he is a student in good standing. (3) A law student or paralegal who participates in a teaching program shall be sponsored by an attorney. The sponsoring attorney shall provide the Director with a written statement accepting full responsibility for all legal advice or information given by the law student or paralegal. (d) Persons approved by the Director or his designee shall abide by all security requirements and rules of the Department and the youth center. (e) No person conducting a class may solicit clients in the youth center or encourage lawsuits against the Department of Juvenile Justice. (f) Failure to comply with this Part may result in termination of the class and/or program.”
20 IL ADC 2410.20.

⁵⁶See Joshua Tepfer and Laura Nirider, Northwestern School of Law Faculty Working Papers, *Adjudicated Juveniles and Post-Conviction Litigation* (2012), available at: <http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/222>

⁵⁷ See Dr. Louis Kraus, *Mental Health Monitor Update November 2015, RJ v. Jones*, available at <http://www.aclu-il.org/wp-content/uploads/2013/08/RJ-Kraus-Nov-2015-report.pdf>.

Classification (R&C) unit for assessment and assignment to a parent facility—a process that on average takes about 10 to 14 days—have much greater access to mental health programming. When JHA visited in St. Charles in 2014, youth in R&C had virtually no access to regular mental health programming in a group setting. As of April 2015, three mental health programs (a mental health orientation group, a Prison Rape Elimination Act group, and a Forward Thinking “What Got Me Here?” group) were being provided to R&C youth. Administration reported that R&C youth also have the opportunity for individual counseling two times a week and that, with the relocation of mental health offices adjacent to the R&C unit, mental health staff were present on the unit much more regularly.

Every youth at St. Charles, whether housed in the Special Treatment Unit or in general population is assigned to a mental health staff’s caseload regardless of his mental health level. Youth who have no mental health level and are therefore not indicated for regular treatment remain assigned to a mental health staff caseload, but may be seen less frequently (although staff are available to assist these youth with life events and problems as they arise). General population youth also have access to group therapy that focused on anger management and grief and loss issues. During JHA’s April 2015 visit, we heard positive feedback from several youth about mental health treatment. In particular, one youth noted that he was learning more in group therapy than school because it required him to “use [his] brain and think about things.”

When JHA visited St. Charles in April of 2015, administration stated that youth whose mental health level escalates in severity from chronic to acute are transferred from St. Charles to IYC-Kewanee, the facility specially designated to treat youth with the most severe mental health issues. Once a youth was transferred to Kewanee, he would remain there, regardless of whether his mental health condition improves and no longer required acute care. JHA found the lack of movement of youth back to St. Charles upon improvement and stabilization concerning given that Kewanee is a more restrictive environment and it historically has struggled to maintain adequate mental health staffing levels.

The Governor’s proposed closing of Kewanee, however, raises a host of new issues regarding how and where youth with acute mental health needs will be housed and treated. As it stands, St. Charles mental health staffing levels have improved to the point that the needs of the facility’s existing populations are being met much more effectively. Without question, the relocation of youth with acute mental health issues from Kewanee to St. Charles will demand greater mental health staff resources for St. Charles to meet that population’s needs.

Finally, we note that when JHA visited St. Charles in April 2015, staff was being trained in and beginning to use the Youth Assessment and Screening Instrument (YASI), an objective evidence-based assessment tool used to measure youths’ risks of reoffending, key areas of programming needs, and protective rehabilitative factors to foster for better

outcomes.⁵⁸ Administration reported strong support and “buy-in” of YASI among Youth and Family Specialists (YFS).

When JHA revisited St. Charles in September 2015, administration informed us that the first phase of YASI’s rollout was complete, in that all YFS staff had been trained in administering YASI and the test was being used to assess every fifth youth on YFS staff’s caseloads. Per IDJJ, the second phase of YASI’s implementation, which involves incorporating YASI results in youth case management, was slated for completion in November 2015.⁵⁹

Overall JHA found that mental health services and the assessment of youths’ risks and needs had improved at St. Charles over the last year.

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⁵⁸ For an overview of YASI and other assessment tools used by IDJJ, see *Illinois Juvenile Justice Research and Information Consortium, Briefing Document: Overview of Screening and Assessment in Illinois’ Juvenile Justice System*, available at <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/BRIEFING%20SERIES%20-%20ASSESSMENT.pdf>.

⁵⁹ See *Illinois Department of Juvenile Justice 2015 Operating Plan Six-Month Update; Reporting Progress on Outcomes March 2015- August 2015*, available at <https://www.illinois.gov/iIDJJ/Documents/IDJJOperatingPlanSixMoUpdateSept1.pdf>.

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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.

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

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