

STATE

Federal complaint targets conditions in Illinois prison segregation units

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Published 10:36 a.m. CT Aug. 8, 2021 | Updated 4:42 a.m. CT Aug. 9, 2021

Prompted by dismal reports from experts, a federal judge in East St. Louis has approved class-action status for a lawsuit aimed at improving conditions for prison inmates in Illinois who've been confined to tiny cells with rodents and filth.

Even as U.S Magistrate Judge Mark A. Beatty in June decided that attorneys for a half-dozen inmates who sued five years ago will represent inmates throughout the state prison system, a lawyer for prisoners says that conditions have improved in segregation units, target of the federal complaint.

"The (judge's) opinion is already out of date," said Alan Mills, a Chicago attorney who represents inmates. "They've made some not-insignificant changes. I'm not ready to declare victory. But they are definitely making some changes, and I'm glad."

Pablo Mendoza, released last fall after serving 20 years for reckless homicide, says segregation units serve no purpose. He says he's done several stints in segregation in different prisons after getting involved in fights, confined alone in a cell for as long as a year.

"When you're in it for that long, you just regress – I used to be an extroverted person, now I'm so introverted," said Mendoza, who lives in Chicago. "It becomes so demoralizing. You have absolutely nothing to do. There's no programs. You might get a book. The existence is miserable."

Illinois Department of Corrections spokeswoman Lindsey Hess declined an interview request citing the pending litigation.

IDOC has reported the number of inmates in segregation, also called restrictive housing, has been falling and segregation sentences were cut following a review of cases late last year. The department says that 2.29 percent of the prison population was in segregation at the end of 2020; in 2017, nearly 3.5 percent of the population was living in segregation.

About 1,600 inmates, many mentally ill, were in segregation on any given day in 2018, when two plaintiff's experts, including Eldon Vail, former head of Washington state prisons, and Craig Haney, a California psychologist who's studied effects of solitary confinement, toured prisons and authored critical reports.

Nearly 20,000 inmates spent at least a month in restrictive housing between 2014 and 2018, with 387 living in segregation cells for at least five years and 11 for more than two decades. While the state says numbers have gone down, the judge in his decision decreed that makes little difference. "It simply means that a smaller, although still substantial, number of prisoners are currently being subjected to the purported unconstitutional procedures and conditions of confinement regarding restrictive housing," Beatty wrote.

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Vail reported that inmates in segregation at Logan Correctional Center wrapped themselves in blankets for good reason.

"Sitting on a metal bench, it wasn't long before I was freezing, too," Vail wrote. "I attempted to close the window in the cell but the window latch was broken and cold air continued to pour in. The same was true when I came back to the same...cell the next morning for more interviews. It was still freezing cold."

Summer was no better, according to Vail, who found segregation units hotter than temperatures outside when he visited in July of 2018: "It was a relief to exit the cellblock and get some fresh air – something that prisoners in restrictive housing cannot do."

Inmates complained of rats and cockroaches, Vail wrote, and when exterminators visited, they treated hallways but not living quarters, which drove vermin into cells. At Dixon Correctional Center, inmates in segregation slept on bloodstained, shredded mattresses. Water from faucets in Pontiac Correctional Center came contaminated by mysterious black specks. Windowless cells kept fresh air out, and hot cells cause stress, according to Vail, who oversaw the installation of air conditioning in Washington state prisons. "Though we were conscious of the lack of political appetite for providing air conditioning to prisoners, we understood that even if the public found it distasteful that it was necessary to make the prisons safe," he wrote. "IDOC appears to not share that concern for safety."

Showers at Menard, Stateville and Pontiac correctional centers were filthy, with caked-on dirt, rust and standing water. "If I had walked into any of the prisons referenced above as the secretary in my own state and found similar shower conditions, I would have called the

(prison) superintendent and demanded that corrective action occur immediately,” Vail wrote. “It is a matter of health and safety for the prisoners and the staff. Further, it is a reflection of human dignity toward the prisoner population. No one should be expected to shower in such conditions. This is one of the easiest things the IDOC could fix with minimal cost, a little elbow grease, and focused attention by the maintenance staff.”

Mendoza says he sometimes skipped showers while in segregation at Pontiac. “I got athlete’s foot,” he recalled. “You’d get feces thrown at you on the way there.”

Cells at Menard were small enough that an inmate with arms extended could touch one wall with his palm and the other with his elbow, Vail reported. While some inmates had cells to themselves, others were double-bunked in spaces so tiny that only one prisoner at a time could be on the floor. Some bunks lacked ladders, and so inmates climbed up by stepping onto toilets or sinks.

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Double bunking in cramped quarters can be worse than living alone, according to Haney, the psychologist who’s studied the effects of solitary confinement. As evidence, Haney in his report cited a 2014 killing at Menard, where an inmate in segregation strangled his cellmate. It was the fourth time in less than two years that a Menard inmate in segregation had killed a cellmate; three cases resulted in murder convictions, a fourth inmate was found not guilty by reason of insanity and sent to a mental hospital.

“Double-celling does not mitigate, and indeed may significantly exacerbate, the psychological impact of isolated confinement,” Haney wrote in his report. Haney, who visited prisons three years ago, also criticized a lack of mental health care. Guards could overhear group therapy sessions, Haney found. He also reported that suicide watch cells were dark, with windows so grimy that he could barely see inside.

Minor offenses resulted in segregation stints, according to Vail, who found that one inmate received six months after being caught with a fresh tattoo and supplies that created it. Mentally ill inmates who cut themselves after landing in segregation were punished by extending segregation stays. A Pontiac prisoner who wrote in a journal that he wanted to start a movement to improve prison conditions with the help of lawyers, state police, politicians, the U.S. Department of Justice and reporters got a year in segregation on grounds that his writing violated rules against gangs and unauthorized organizations. “Reaching out to state police and the U.S. DOJ for help is a far cry from gang participation,” Vail observed.

Guards searched his segregation cell daily, looking for contraband that could extend segregation stays, Mendoza said. “I can’t explain to you how you sit on your bed all day waiting for them to come in and tear up your cell and see what kind of things there are,” he said. “That’s psychological torture.”

Segregation is aimed at convincing inmates to improve behavior, but did the opposite in Illinois, according to Vail, who found few carrots to counter sticks. Inmates sent to segregation for disciplinary reasons had restricted phone privileges and couldn’t buy commissary food or have televisions from the moment they arrived until they left, with segregation stints often extended for continued misbehavior. Incentives as small as extra showers can help improve behavior in segregation units outside Illinois, according to Vail, who also reported inmates in segregation for administrative reasons aren’t told why they’re in segregation nor how they can get out.

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Inmates sent to segregation for administrative reasons start with one 15-minute phone call per month and two one-hour visits, with the chance to eventually be allowed two 15-minute phone calls per week and four monthly visits. Inmates and visitors talked by telephone while separated by glass. Administrative segregation isn’t supposed to be punitive, but Vail said inmates don’t believe that. “I agree with them,” Vail wrote. “It is clearly an experience of being punished.”

Vail also found that segregation inmates aren’t getting sufficient yard time outside cells. Many inmates, he found, skip yard time out of fear: The closest guards are in towers, and fights are frequent. Instead of regular yards, segregation inmates granted recreation time are put in steel cages bereft of exercise equipment and toilets. Mendoza says prisoners called them dog kennels.

“I...conclude that the conditions of IDOC’s restrictive housing units are stark and horrific and far below the standards of other state prison systems,” Vail wrote. “Further, they are unnecessary to achieve the relevant penological objectives.” He also wrote that conditions persist despite a 2011 report commissioned by the state that mirrored several of the same concerns that he and Haney raised.

Mills, the lawyer for inmates, said that several changes recommended by Vail have been implemented. Double bunking has been reduced, he said, but some suicidal inmates are put in solitary cells, which can worsen mental states. Steel cages still are used when inmates get yard time, Mills said, and other facilities remain substandard. “These segregation units are

horrible places,” he said. “They were all built in the 1920s. They were bad when they were built in the 1920s, and they’ve gotten worse.”

Jennifer Vollen-Katz, executive director of the John Howard Association, a prison watchdog group based in Chicago, said that there were fewer inmates in disciplinary segregation at Stateville when she visited last spring, and every inmate knew why he was there, how much time he had remaining and what he needed to do to return to general population. That, she said, hadn’t been true during previous visits.

Doing time in Illinois is easier today than a few years ago, when overcrowding was an issue, Vollen-Katz said. The state’s prison population peaked in 2013, when more than 49,403 inmates were confined; as of June 30, the state incarcerated 27,305 people. “There’s no doubt it’s better because the numbers are so much lower,” she said. “That, in and of itself, will make a difference.”

But Mendoza says segregation units were just as bad in 2019, when he did his last stint in solitary at Danville Correctional Center, as they were in 2002, when he did his first at Menard. He acknowledges getting involved in fights, but at 140 pounds, that’s what he needed to do in places where de-escalation techniques won’t work. “You’re a little guy among a group of individuals who are twice your size, you must always attack first and eliminate the threat,” he said. “I don’t think it (segregation) accomplished what it was set up to do — I do not think that the motive behind this was deterrence. To me, it was more of a control arm. It was a psychological tool, a power to extract information and manipulate behavior.”

In a June 15 memo to inmates, prison director Rob Jeffreys wrote that incentives are planned to reward good behavior. Those who avoid infractions and participate in work and educational programs can get reduced security levels, Jeffreys wrote, and transfer requests aimed at living closer to relatives or getting access to programs will be considered, with an appeal process if requests are denied.

Jeffreys also promised to expand the department’s earned discretionary sentence credit program, which the legislature established in 2018. Inmates will be able to get out as much as a year early, Jeffreys wrote in his memo to prisoners, with those incarcerated for “forcible felonies” required to win approval from the department’s chief of programs before early release; those serving time for parole violations, prisoners who’ve committed major infractions within the past year and inmates whose sentences require serving at least 85 percent of their time won’t be eligible.

The department started early releases under the program in 2019, when 122 inmates during the last half of the year got out an average of 125 days early; last year, 2,218 inmates were released an average of 130 days early. Previous early-release programs were overly restrictive, Vollen-Katz said, and subject to political backlash when inmates released early landed in trouble. Early releases, she predicted, won't be drastic. "We're talking days, weeks and months, not years," she said.

Ed Wojcicki, executive director of the Illinois Association of Chiefs of Police, said that crime victims deserve consideration. "We understand that people might behave fine when they're in custody and in corrections – we understand the rationale," he said. "Some of the feedback that we get is that, you know, when these people are sentenced, the victims can feel that justice has been served, or sometimes they don't. I don't think that their views are taken into consideration with these new early release options."

State Sen. Terri Bryant, R-Murphysboro, a retired prison administrator, says the state needs to be cautious when granting early release, but carrots can be good. "If you have individuals who have time to do and they don't have any incentive to behave or do anything, they just kind of lay around," she said.

But Bryant said she's concerned that the state may go too far as it pushes reform. Comparing state prisons to a pendulum, Bryant said she believes the system is beginning to swing too far toward lax. Both constituents and relatives work in state prisons, she said, and they're worried.

"I talk to the folks who are in the trenches, who are there day-to-day," she said. "Morale is bad. People don't feel like they're safe."