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2013 Monitoring Visit to IYC-Harrisburg

Located more than five hours south of Chicago, and about a 45-minute drive east of Carbondale, Illinois Youth Center-Harrisburg (Harrisburg) serves as the male southern reception and classification center (R&C) for the Illinois Department of Juvenile Justice (IDJJ). This monitoring report is based on our observations and conversations on the day of our visit, as well as on ongoing data collection and dialogue with IDJJ and administrators at Harrisburg.¹



Vital Statistics:

Population: 187

Average Age: 17.1

Average length of stay: 5.5 months

Average Annual cost per youth: \$80,126

Population by Race: Black 68%, White 27%, Hispanic 4%

Committing offense: Murder 1%, Class X felonies 9%, Class 1 felonies 35%, Class 2 felonies 29%, Class 3 felonies 16%, Class 4 felonies 7%, Misdemeanors 2%

(Source: IDJJ on 12/3/13)

Key Observations:

- Parole violators composed two-thirds of Harrisburg's population – about half of the youth at Harrisburg are incarcerated for technical parole violations, with an additional 20% being re-incarcerated for new charges.
- Lack of approved placements for youth who have been approved for release by the Prisoner Review Board (PRB) is troubling and leads to continued incarceration of youth who should be allowed to leave.
- Youth and staff relationships at Harrisburg are noticeably tense, with higher levels of distrust reported to JHA by youth in the facility as compared to the five other Illinois youth centers.
- Harrisburg has begun the use of “time outs” in order to help youth deescalate when they are unable to exercise behavioral control. Use of time outs is part of behavior modification and confinement reduction efforts, and JHA applauds Harrisburg for implementing this approach to youth misbehavior.

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

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¹ JHA visited IYC-Harrisburg on December 11, 2013.

Executive Summary

For more than 110 years, JHA has served as Illinois' independent juvenile and adult prison watchdog. Our work is rooted in our history and mission, which is not to advocate for any one particular point of view, but rather to use everything we learn about Illinois' prisons to drive reform that benefits everyone impacted by the justice system. Our reports include prisoners' perspectives—as well as staff and administration's perspectives—because we believe that along with other information we gather through our monitoring process, they give our readers invaluable and otherwise inaccessible information about prisons and the experiences of people who live and work in them. This is consistent with best practices and international human rights guidance on prison monitoring, which all emphasize that “talking with persons deprived of their liberty **forms the basis of the process of documenting the conditions of detention.**”²

We begin our executive summary with this brief note on our methodology because it cuts to one of the dominant themes in our monitoring of IYC-Harrisburg: Of all of Illinois' juvenile correctional facilities, JHA has repeatedly observed that both former and current youth at Harrisburg have the most issues about the treatment they receive from staff on a consistent and independent basis.³ Alongside these accounts, JHA also has detected noticeable tension between youth and staff, which we have not observed elsewhere. While youth we talked to told us that staff oftentimes subjects them to various forms of unprofessional conduct, staff interviewed told us that cultural prejudices of youth towards staff factor into this dynamic, noting that youth commonly label staff as rednecks.

In conjunction with our findings and recommendations on the facility's operations, which include noting several important achievements like reducing confinement, we believe that it is essential for the administration to address Harrisburg's culture, which has a profound influence on everything that happens in the facility. We also believe that this is an opportune moment for the facility and the agency to focus on this effort. This year marks the beginning of state audits for compliance with the Prison Rape Elimination Act (PREA), which will impact policy and operations in all facilities in an effort to provide greater inmate safety. Also, as of April 7, 2014, a federal court judge accepted the remedial plan written and agreed to by IDJJ and the ACLU of Illinois, which addresses lapses in constitutional standards related to institutional conditions, education, and mental health treatment. We hope this report—and our role as a non-partisan monitor—can help inform this critical work.

² See *Monitoring Places of Detention: A Practical Guide*, pg. 80 (emphasis in the original) available at: http://www.asiapacificforum.net/support/issues/prevention_torture/downloads/resources/monitoring-places-of-detention-a-practical-guide-apt-2004.

³ Notably, much of what JHA was told on the visit conforms to the independent findings in the safety expert report in the ongoing litigation wherein the American Civil Liberties Union (ACLU) represents the plaintiff class of incarcerated juveniles suing the IDJJ for conditions of confinement related to medical care, mental health treatment, education, and safety and welfare issues generally and specifically. *R.J. v. Jones* (formerly *R.J. v. Bishop*), Case No. 12-cv-7289, (N.D. Ill.), Document #51-2, September 23, 2013, “Expert report on Safety and Welfare,” Dr. Barry Krisberg. Documents related to this litigation are available at <http://www.aclu-il.org/update-in-rj-v-bishop/>.

This report addresses the following areas: Mental Health, Education and Programming, Youth Perspectives, Phoenix Program, Confinement, Parole, and PREA.

Recommendations

- Increased training, education, and supervision in connection with the PREA hotline is urgently needed.
- Facility administration and staff must prioritize finding approved release placements for Harrisburg youth when they are first taken into State custody.
- Detailed data collection and analysis of the use and outcomes of time outs in the facility is needed in order to determine their effect and lasting impact.
- IDJJ needs to consider ways to immediately reduce the juvenile parole population being returned to its facilities. On the day of our Harrisburg visit, 46% of the population was there due to technical parole violations.
- Evaluation and assessment of the Phoenix program and the use of a new curriculum, which is based on a therapeutic method called moral reconnection and is designed to be a behavior modification tool, is necessary to determine the effectiveness of this program.
- Youth and staff relationships and communication require much attention at Harrisburg. Increased cultural competency training, along with close supervision of all youth and staff interactions is necessary to effect change. The current culture of distrust creates a distinctly unrehabilitative environment for youth, and one of stress for staff and administration.

Mental Health

Since JHA's 2012 visit, mental health staffing has improved from three to nine staff members, and if the social worker position that was being interviewed for at the time of the visit was filled, Harrisburg would be at its authorized staffing level for mental health. JHA heard praise from youth for some mental health staff, and a youth reported one particular individual had really helped him. At the time of the visit, 104 youth were receiving individualized mental health treatment, with 69 youth on psychotropic medication, and a mental health staff member was dedicated to the R&C Unit for screening. Administrators reported that mental health level 1 youth on the caseload receive at least 45 minutes of individual treatment bi-weekly, and level 2 youth receive at least 45 minutes weekly. The expert report for mental health in the federal litigation noted the lack of juvenile or adolescent psychiatrists throughout IDJJ, and also that the experience, licensing, and job descriptions required of mental health professionals is deficient and to the detriment of youth mental health treatment.⁴

⁴ *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, "Psychiatric and Mental Health Report for Consent Decree," Dr. Louis Kraus, page 9.

Increased mental health staffing at Harrisburg has resulted in a number of significant improvements. For example, youth are getting more group therapy time, and group therapy is now available in the R&C Unit,⁵ also a mental health staff member commented that Harrisburg had reduced the number of youth on crisis watch. Administrators reported there were 28 youth on crisis watch from January through October 2013, and three crisis watches in the month prior to JHA’s visit. In contrast, there were 69 youth on crisis watch from October 2011 to October of 2012. Staff reported that having to respond to fewer crisis situations is allowing staff to spend much more time with youth and address problems as they occur, which, in turn, drives down crisis incidents. Also, with increased mental health staff, Harrisburg now offers a family therapy program over the phone, which typically entails monthly (or more frequently if needed) conversations with the youth, his family, and a therapist.⁶

Mental health staff explained that they work with youth on issues such as respect and healthy boundaries, which, as one staff noted, is difficult to do in a correctional environment where troubled kids are housed together and thus reinforce negative behavior and attitudes. Likewise, a mental health staff member noted that although IDJJ tries to separate youth by age, the agency needed to do a better job insulating younger, first time offenders, or court evaluation youth, from older youth. This staff specifically felt that youth under age 15 convicted of non-violent crimes should never be mixed with older or more serious offenders.⁷ Research supports this staff’s assessment, suggesting that increased contact with antisocial, older, and more criminally experienced peers is a contributing factor in negative outcomes for incarcerated youth, sometimes referred to as peer contagion.⁸

The mental health unit offers a specific prelease program to prepare youth for release. Staff reported that this program works well with first-time offenders, but youth who are repeat offenders get frustrated by it. While mental health staff may recommend mental health services as part of a youth’s release plan, they noted that it was particularly difficult for youth to find or access these services in their communities.

⁵ According to the mental health expert in the federal litigation regarding IDJJ conditions, the weeks spent at R&C present a unique opportunity for continued assessment of youth in order to provide them with the most impactful programming going forward, as well as a chance to see youth in group settings and treatment that may provide additional useful contextual information about the youth. *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, “Psychiatric and Mental Health Report for Consent Decree,” Dr. Louis Kraus, page 8. 18 youth were in reception status at the time of the visit.

⁶ Administrators also noted that they are using phone calls also for parent teacher conferences and stated parents are also invited to attend PRB hearings, but they acknowledged distance to travel may be a barrier.

⁷ The mental health expert expressed “strong concern over having young youth, age 13 and 14, in the same environment as 20 or 21-year-old youth. This is essentially like putting a sixth or seventh grader with a junior or senior in college. It is simply a potentially dangerous thing to do.” *R.J. v Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, “Psychiatric and Mental Health Report for Consent Decree,” Dr. Louis Kraus, pages 8-9. At the time of JHA’s visit, Harrisburg housed three youth who were 14, 19 15-year-olds, 39 16-year-olds, 53 17-year-olds, 32 18-year-olds, 23 19-year-olds, and 18 20-year-olds.

⁸ Further, studies have also found that positive effects from evidenced based treatment may be harmed by association with delinquent peers. *See e.g.* Lambie, I., & Randell, L. “The impact of incarceration on juvenile offenders.” *Clinical Psychology Review* 33 (2013): 448-459, at 451 and 456.

Education and Programming

At the time of JHA’s visit, more than one-fourth of the population, 51 youth, was reported to not be enrolled in school. This is due to the fact that IDJJ lacks sufficient post-secondary educational programming, and so when youth earn their GED or high school diploma, they have no way to further their education. Currently all school offerings at Harrisburg are for students working towards a GED or high school diploma.

School

Administrators stated that although they are missing several teachers, educational staffing was improving.⁹ At the time of the visit there were 15 teachers, though the facility was authorized for 34.5 – this reflects nine vacancies and four long-term leaves (including Physical Education, English/Language Arts, Special Education, Social Studies, Math, Health/Consumer Education, and Vocational positions). Physical Education was not offered due to vacancies. Since the visit, a temporary Physical Education teacher has started. Teaching staff noted that getting youth’s school records can be difficult, sometimes taking several phone calls. Duties that could be handled by an administrative assistant, such as tracking down records, testing, or compiling data, often fall on teaching staff or a facility psychologist, taking them away from teaching and treatment duties.¹⁰ This delays the facility school’s ability to implement any necessary accommodations a youth may have had in school, or if a student does not have accommodations or an Individual Education Plan (IEP) and needs one, to create a plan to get him necessary educational services.

At the time of the 2013 visit, administrators reported that most youth had nine chances for school a week, as they were rotating a day or half a day out of school among six of the housing units. The end result of this is that each housing unit misses one half to one full day of school per week.

Youth who have completed school, meaning they have attained their GED or a high school diploma (Unit 10),¹¹ or who are housed in the R&C Unit,¹² do not have school, and those in

⁹ According to the educational expert in the federal litigation regarding IDJJ conditions, “[t]he education program in the Illinois Department of Juvenile Justice (IDJJ) facilities is inadequate. The program operates far below minimally accepted standards at comparable facilities across the country, does not appear to meet minimal standards for education as specified in the Illinois School Code, does not meet the needs of students with disabilities, and appears to violate both State regulations and Federal legislation.” *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-3, September 23, 2013, “Education Services and Supports for Students in the Illinois Department of Juvenile Justice” Dr. Peter E. Leone, page 3.

¹⁰ The educational expert report noted similar issues. *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-3, September 23, 2013, “Education Services and Supports for Students in the Illinois Department of Juvenile Justice,” Dr. Peter E. Leone, page 9-10.

¹¹ “Students who have received their high school diploma or GED certificate have literally nothing to do. They spend long hours mostly in their living units playing cards and watching TV. While some have jobs and participate on work crews, these assignments are not structured in a way that enables youth to earn certification and prepare for transition to the community and competitive employment. High school graduates and GED certificate recipients with a few exceptions do not have access to community college courses, career guidance, and adequate transitional support.” *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-3, September 23, 2013, “Education Services and Supports for Students in the Illinois Department of Juvenile Justice,” Dr. Peter E. Leone, page 11.

other programming or with disciplinary restrictions (Substance Abuse Treatment (Units 5 & 6) and the Phoenix program (Unit 9)) have less school. The Phoenix program has a teacher assigned to the unit, and classes are conducted on the unit for the majority of youth in this program. Administrators explained that since substance abuse treatment youth have other programming, they will typically be the first to miss school due to teacher shortages. The remedial plan in the ongoing litigation calls for a five hour school day, educational services for all youth, and student-teacher ratios of 10:1 for general education youth, and 6:1 for special education youth, who require more individualized attention.¹³

During the visit, JHA observed positive use of the school's Ready to Learn room, where a youth was addressed for swearing in class due to frustration at being in a higher math class than he felt he could handle; the staff member worked with the youth to work through his reaction and handle his emotions. JHA was also impressed with Harrisburg's use of volunteer tutors; administrators stated that the Jump Start Tutor Program has recently been averaging 46 youth weekly.¹⁴

Online Educational Enhancement Program

The Harrisburg School Orientation Handout asks youth if they have a preference for computer or non-computer learning; however, a teacher explained that this preference may not dictate the type of learning environment used. JHA continues to hear from youth that some like online learning because they can earn more credit and work at their own pace, while others do not because they need more assistance from teachers.¹⁵ It is JHA's understanding that in the near future, the Online Educational Enhancement program will allow for a selection process based on relevant criteria, as opposed to random sampling, which has been the placement process in order to comport with the parameters of the pilot study.

Lack of Post-Secondary Educational and Vocational Opportunities

As of June 30, 2013, Harrisburg no longer contracts with Southeastern Illinois College for post-secondary and vocational training due to state non-payment.¹⁶ Staff noted that this loss had hurt the facility in that there was less positive activity for youth and few opportunities to learn skills to become self-sufficient citizens through education or learning a trade. Administrators and staff also noted that this programmatic loss impacts security, because with less productive activity, idle youth engage in problematic behavior. Administrators and staff observed that planning for

¹² Youth are in reception and classification status typically for two weeks, during which mental health programming and chapel services are available.

¹³ See ACLU "Plan advanced to Improve conditions in Illinois' juvenile justice facilities" (March 17, 2014), available at <http://www.aclu-il.org/plan-advanced-to-improve-conditions-in-illinois-juvenile-justice-facilities/>.

¹⁴ Volunteer religious services seem strong at Harrisburg as well, although administrators noted a lack of Muslim volunteers in the area.

¹⁵ The educational expert received the same input from Harrisburg youth, *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-3, September 23, 2013, "Education Services and Supports for Students in the Illinois Department of Juvenile Justice," Dr. Peter E. Leone, page 5.

¹⁶ Dr. Leone points out, "the career and technical education program (CTE, or vocational education) is wholly inadequate." *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-3, September 23, 2013, "Education Services and Supports for Students in the Illinois Department of Juvenile Justice," Dr. Peter E. Leone, page 11.

programming is difficult as it is both uncertain how long youth will remain at the facility, and that the average length of stay (currently 5.5 months) is a too short for effective, long-term programming. JHA, staff, and youth agreed that offering more work assignments or even trade apprenticeships could be an effective supplement to programming to provide more training and positive activity at Harrisburg. Staff noted that useful employable skills such as small engine repair or welding could be taught in four months, and that horticulture had in the past been a positive program at the facility. Staff commented that providing youth with skills that could translate into outside work opportunities would be extremely positive and help keep youth from being re-incarcerated. In addition to reducing idleness, youth also expressed interest in working because it would give them an opportunity to earn money as they do not receive any form of state pay to go towards commissary or phone calls. Administrators reported only 25 youth at Harrisburg had work assignments.

Substance Abuse Treatment

Harrisburg essentially has two different substance abuse treatment programs, both run by Community Education Centers, Inc. (CEC), an outside vendor. CEC provides both a longer term (six month) federally funded program as well as a shorter term departmentally budgeted program. This shorter program is a three-phase, typically 90-day program, which is the minimum length a youth must have remaining to serve to participate. Sixty youth participate. The program is 12-step based, offering group and individual therapy. The six-month federally-funded treatment program uses the same model. Staff reported youth are mostly there for marijuana, alcohol, and over-the-counter drug abuse. JHA was impressed with this program's use of treatment-oriented solutions to behavior issues. For example, staff will issue "pull ups" and "push ups" rather than tickets for minor infractions. Youth who engage in violent behavior will be taken off the unit. Staff reported that youth tend to be reluctant to participate upon arrival, but they give youth time to get acclimated and open up, rather than moving them for non-participation. Treatment staff reported that security staff had bought in to the program, noting that all staff use treatment methods and language on the units, and youth are treated as if they are in rehab as opposed to prison. The mental health expert in the ongoing litigation expressed concerns that forced participation in this program violates youths' right to refuse treatment.¹⁷

Other Programming

Youth in substance abuse treatment also receive some job training. For other youth at Harrisburg, there is a contract with Lutheran Social Services of Illinois that offers a "computer-intensive" six-week job preparation course for 10 youth at a time. Youth who will be transferred to IYC-Pere Marquette (Unit 4) are taken into the community four at a time by Harrisburg staff and do activities such as volunteering at food banks and nursing homes, or learning about banking. Staff noted that they had recently taken youth to a nearby community college so youth could be informed as to what such schools offer statewide and how to apply. Administrators noted that youth response and behavior has been excellent with regard to the community outings.

¹⁷ *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, "Psychiatric and Mental Health Report for Consent Decree," Dr. Louis Kraus, page 12.

Youth Perspectives

To be clear, JHA cannot confirm many of the allegations we hear, and we appreciate that there are often two or more sides to any story. At the same time, youths' perceptions of how they are treated matters, because common concerns and attitudes shape facility culture, and can impact the success of programming, security, and reentry.¹⁸ As noted by the safety expert report in the ongoing litigation, "what people perceive as real, is real in their consequences," and, "youth fears and perceptions of the lack of safety and staff neglect color how they respond to adults and how well they respond to rehabilitation efforts by IDJJ."¹⁹ It is also important to note that youth at Harrisburg, like all IDJJ facilities, lack the ability to routinely reach out to or connect with adults they trust to share negative feelings or experiences and receive support or guidance. Coupled with this inability, many youth have had negative past experiences with adults in positions of authority, making trust of staff more difficult for them.

Phone calls

JHA repeatedly heard from youth experiencing anxiety due to lack of communication with their families. Numerous youth reported that they cannot call their parents and that they generally had trouble getting counselor contact. These reports support administrators' assertions that counselor staffing is a problem. These issues compounded other issues such as securing parole placements. Some youth stated that while the Orientation Manual stated that they would get a monthly free call, they had not had a call or counselor contact in more than a month.²⁰ For example, one youth was distressed that he had been at Harrisburg for several weeks while he thought his mother still believed him to be at IYC-Kewanee (Kewanee).

Grievance System

In addition to youth skepticism of the PREA hotline, many youth expressed concerning beliefs that their mail was tampered with and that the grievance procedure was useless. The Harrisburg Chaplain is in charge of grievance review, yet youth interviewed expressed that they did not believe that their grievances would even be considered, let alone answered. Administrators

¹⁸ As noted in the article, *Perceptions of Institutional Experience and Community Outcomes for Serious Adolescent Offenders*, "Information about how adolescent offenders perceive their institutional experience could enrich our ideas about how to intervene with adolescent offenders. To the degree that we can understand how to modify negative behavior rather than to inadvertently reinforce it through some aspect of the institutional experience, the better these youth may adjust when they return to the community. It is possible that because programs are almost always designed and implemented by adult professionals, there may be aspects of the program or environment that are perceived by juveniles in a different way than they were conceived by adults. Obtaining the adolescents' perceptions about an institutional experience may help to identify areas that facilitate or undermine broad program goals." Carol A. Schubert, Edward P. Mulvey, Thomas A. Loughran, and Sondra H. Losoya, *Criminal Justice Behavior*, 2013,39:71,72 and online at <http://cjb.sagepub.com/content/39/1/71.full.pdf+html>.

¹⁹ *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-2, September 23, 2013, "Expert report on Safety and Welfare," Dr. Barry Krisberg, pages 4-5.

²⁰ The Youth Orientation Manual also says that youth will get three letters a week at state expense (plus more for legal mail), JHA was not told by youth whether or not they were getting write-outs, but as youth do not receive any state pay, it is vital that they have some subsidized way of communicating with the outside world. Youth expressed surprise that they could send privileged mail in sealed envelopes to JHA and disbelief that mail to JHA makes it out of the facility. Some youth believed that mail would be tampered with as retaliation.

reported 48 grievances recorded in the prior year, which is significantly fewer than from other youth facilities of comparable youth population. Youth must request forms from staff. Again, JHA recommends that IDJJ improve reliability, oversight, and youth confidence in IDJJ's grievance process by enlisting an ombudsman, as proposed in pending legislation, Senate Bill 2352.²¹ Whether the grievance system becomes part of a larger office of independent ombudsperson or remains an in-facility process, without external review and input, confidence in this system will be impossible, and reasonably so.

Allegations of Inappropriate Comments and Behavior

As mentioned above, JHA received numerous complaints regarding some staff using inappropriate language, from swearing, to making racist comments, to making sexual comments including numerous gay "jokes." Likewise, the safety expert report noted "IDJJ faces a very serious problem in terms of living unit staff verbally abusing the youth with demeaning, racial and sexualized insults," noting many similar complaints to those received by JHA from youth at Harrisburg.²² Youth commonly stated that some staff was rude, unfair, and even physically abusive. Staff interviewed noted that while any physical abuse is unacceptable, that staff against youth aggression has decreased over the years. Some youth noted that while staff does not typically initiate physical contact with youth, if a youth is fighting or assaults staff, this opens the door for the staff to get rough with youth and use excessive force, more than what is needed to subdue the youth. Some youth reported that staff inappropriately intimidate or threaten them with negative consequences.

Violence

From JHA's perspective, there seems to be more violence reported by youth at Harrisburg than at most other facilities, and youth stated that fights were fairly common. Youth reported particularly that crowding in Unit 8 was causing tension and increased fights and wondered if an unused housing unit could be reopened to relieve crowding. One youth commented that youth do not have a chance of being released by the Prisoner Review Board (PRB) tend to be more aggressive, while those with more positive activity such as those in substance abuse treatment housing were calmer. Youth reported frequently that staff overreacted to fights, and would take inappropriate action for fights such as restricting phone privileges or taking away recreation for a larger group. JHA also heard multiple independent reports that staff would take commissary items from youths they didn't like and give it to other youth, sometimes for the purpose of provoking a fight. Some youth described situations that included staff bribing youth to fight with each other, using cigarettes and soap to coerce the youth into physical conflict. These same youth reported feeling powerless to refuse involvement in this situation. Even if these serious allegations of incentivizing fighting are rumors, they are specific, consistent and dangerous, reflecting a culture of distrust that needs to be addressed to improve the overall safety of the facility.

²¹ On January 3, 2014, House Amendment 001 to SB 2352, which creates the Department of Juvenile Justice Independent Juvenile Ombudsman Law, was referred to Assignments. As of March 24, 2014, no further action has been noted on the Illinois General Assembly website, <http://www.ilga.gov/legislation/BillStatus>.

²² *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51-2, September 23, 2013, "Expert report on Safety and Welfare," Dr. Barry Krisberg, page 15.

In terms of youth violent behavior and staff response, youth also complained that staff does not consider medical history of youth when using mace, and reported that it had been used the Friday prior to JHA's visit. While we do not have corroboration of this allegation, JHA encourages Harrisburg to examine all incidences of violence at the facility to ensure appropriate responses, and understands that IDJJ is currently tracking use of chemical agents within each facility, which is a step in the right direction. JHA hopes that information from use of the Performance-based Standards (PbS) Youth Exit Interview will further aid Harrisburg identify and address these kinds of issues.

Youth believed there should be cameras on housing units, which JHA also supports.²³ While Harrisburg reports cameras on some units, a review of cameras in IDJJ facilities was conducted by an outside consulting group, pursuant to the release of the Bureau of Justice Statistics, United States Department of Justice (BJS) survey on sexual victimization, and concluded that many of the existing cameras did not work, and that more cameras in general were needed to provide increased safety in the facilities.²⁴

Idleness

Youth housed in Unit 10, which is used for those who have completed schooling, complained of little time out of their cell (some reported just an hour per shift²⁵) and stated that of the 27 youth on the unit, only eight had jobs. These youth said that they had no library and go to the gym "rarely." Youth throughout Harrisburg complained of not getting enough recreation time (reporting that time working would be counted as recreation time, or that some staff would improperly restrict recreation time). They wanted more opportunities for positive activity, including work assignments, more gym, and even school time. Some youth complained that they are all treated "like kids," even though some of the youth are over 18 (approximately 40% of the population at the time of the visit) or had been living independently as adults prior to their incarceration.

Clothing

Youth stated that they need more clothes as they are only issued three shirts, pants, and boxers, and reported that they were not always able to get access to laundry if other youth were using it.

Dietary

JHA received numerous complaints about dietary at Harrisburg. Some youth reported that they were not getting enough to eat, that they received more food on the day of JHA's visit, and complained about the cost of items on commissary. We were consistently told that the skim milk

²³ Further, JHA notes that IDJJ executive team staff told JHA in a phone call, on April 21, 2014, that more cameras had recently been purchased for all IDJJ facilities and installation of these cameras was expected as soon as possible.

²⁴ Kinsale Management Consulting, "Protecting Youth from Sexual Victimization in Illinois Department of Juvenile Justice Facilities," (October 2013), p. 23, available at <https://www.illinois.gov/idjj/Documents/IDJJReportFinal10.23.13.pdf>.

²⁵ JHA interpreted this to mean the three shifts described by the facility for staffing and programming purposes, each shift is eight hours.

purchased from Illinois Department of Corrections (IDOC) Industries was sour, and that other food was old or spoiled. A JHA visitor observed that the milk in dietary at the time of the visit was not expired.²⁶ Staff reported that youth's complaints about milk were credible and noted we should have sampled it on the visit. There were several complaints from youth about pest control in dietary and finding contaminants in their food. There were also several individual reports by youth that the bread products they are served are routinely moldy. Youth wanted to know why the Illinois Department of Health does not inspect the facility. Dietary staff provided JHA with a detailed account of the facility's pest control efforts. JHA visitors found the dietary area relatively clean; however, there were some areas that needed improvement such as drain catch basin cleaning.²⁷ More troubling was dietary staffs' attitude about youth workers. JHA visitors noted that some dietary staff engaged in extremely negative communication with youth, and seemed visibly frustrated and overly upset by youth voicing their dietary concerns and opinions.²⁸ Kitchen staff publicly voiced their dissatisfaction at only having youth from a particular unit available for kitchen work duty, and loudly stated that this is one of the worst units at the facility and it is filled with the worst kids.

Phoenix Program

Youth are usually placed in the Phoenix Program, which uses Moral Reconciliation Therapy (MRT),²⁹ because of violent behavior and involvement in multiple fights or assaults. Youth are referred to the program by the Program Assignment Committee (PAC) in consultation with mental health staff. Youth in this program have individual counseling sessions twice monthly with a social worker and have group therapy, expressive therapy and a life skills group on a weekly basis. The program is designed to be nine to 12 weeks long and has three phases denoted by color of uniform worn by the youth (beginning with red, and graduating to yellow, then green). The youth earns his way through the phases using a point-based behavioral modification program. Points are awarded or deducted at the discretion of staff. Youth are evaluated for things including, but not limited to, personal hygiene, respectfulness, general behavior, and completion

²⁶ According to experts in the dairy industry and those who study and legislate on it, refrigeration is the single most important factor in maintaining the safety of milk. By law, Grade A milk must be maintained at a temperature of 45 °F or below. Bacteria in milk will grow minimally below 45 °F. However, temperatures well below 40 °F are necessary to protect the milk's quality. It is critical that these temperatures be maintained through warehousing, distribution, delivery and storage.

http://www.clemson.edu/extension/hgic/food/food_safety/handling/hgic3510.html. JHA does not know at what temperature milk at Harrisburg is stored, we note that we were shown the milk in a large walk in refrigerator which also stored produce. In future visits we will make note of the temperature of the refrigerator storing milk, should this concern persist.

²⁷ Perhaps related to this, administrators noted that they planned to install garbage disposal units.

²⁸ Interestingly, administrators noted that cycle training dietary staff was one of their short term goals.

²⁹ Moral Reconciliation Therapy (MRT) was originally designed as a substance abuse treatment program for criminal offenders, but has been reconceptualized as a broader program to reduce recidivism of offenders in the juvenile and criminal justice systems by enhancing moral reasoning and decision making through multiple therapeutic modalities. Cognitive behavioral therapy is the overarching modality, and it is utilized in individual and group therapy, structured group activity, and through the use of MRT workbook assignments. *See* www.nrepp.samhsa.gov/Viewintervention.aspx?id=34.

of the MRT steps associated with each color level.³⁰ Youth can earn 10 points per shift and must earn 190 points per phase. A youth in green status stated that he is usually allowed out of his cell for an hour of recreation and two school modules per day. Youth on red and yellow status have school on the living unit. Youth in the program are fed on the unit and do not go to dietary, and are also not allowed to keep mail they receive in their cells.

In response to youth in this program not attending school daily off the unit, the mental health expert report noted that youth in specialized treatment units for behaviorally problematic youth at the facility could end up being in their rooms for as much as 22 hours a day, noting these youth “are being segregated from the general population and this is confinement, regardless of what staff attempt to call it.”³¹ The expert report on safety and welfare also documented that youth in the Phoenix Program at Harrisburg view participation in it as added punishment, and also noted, importantly, that “there is little central quality, control, oversight, and ongoing research on the efficacy of [this program].”³² JHA visitors noted that some youth appeared to have good rapport with particular Phoenix Program staff members and expressed that they felt staff were fair; others displayed hesitancy, if not fear, at sharing their feelings about the program and the staff. We were particularly concerned by one staff member’s reported belief that there was not a significant difference between working with youth in the Phoenix Program and adult inmates incarcerated in Tamms Correctional Center, Illinois’ former supermax prison.

Confinement

It is JHA’s position that, consistent with best practices, IDJJ should (1) ban the use of confinement as a punishment; and (2) allow confinement to be used only for security purposes, under limited circumstances, for minimal lengths of time when a youth is physically out of control or a present threat to physical safety, only for the duration that the youth poses an imminent threat of harm to themselves or others. It is JHA’s continued hope that the proposed remedial plan in the IDJJ federal litigation in response to the findings and recommendations made by the experts will address the use of confinement throughout IDJJ both in principle and practice. The mental health expert advised that “confinement at the IDJJ for punitive purposes must stop.”³³

Administrators reported that use of confinement is down at the facility but noted that this may be due to the overall youth population decrease at the facility since JHA’s 2012 visit. Another factor that could account for this decrease is that there has been an increase in youth at Harrisburg diagnosed as severely mentally ill and redesignated to Kewanee. Also, youth who become reclassified as maximum security due to aggressive or violent behavior while they are at

³⁰ The Harrisburg Phoenix Program pamphlet includes program description, expectations, rules, and specific privileges and restrictions associated with each program level, as well as an acknowledgement page to be signed and dated by youth in the program.

³¹ *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, “Psychiatric and Mental Health Report for Consent Decree,” Dr. Louis Kraus, page 10.

³² See Document #51-2, September 23, 2013, “Expert report on Safety and Welfare,” Dr. Barry Krisberg, page 20.

³³ *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, “Psychiatric and Mental Health Report for Consent Decree,” Dr. Louis Kraus, page 9-10. The expert report findings regarding confinement within IDJJ were particularly distressing. See also Document #51-2, September 23, 2013, “Expert report on Safety and Welfare,” Dr. Barry Krisberg, pages 11-15.

Harrisburg may be redesignated to Kewanee. Kewanee currently houses severely mentally-ill youth, juvenile sex offenders, and those youth designated maximum security both initially at R&C or redesignated maximum-security due to aggressive or violent behavior while in a facility. JHA visitors were repeatedly asked by Harrisburg youth if various horror stories they had been told about Kewanee were true, indicating youth concern that being sent to Kewanee is a form of punishment.

Harrisburg administrators stated that confinement numbers are dropping, but length of time in confinement remains an issue. Fewer kids are spending time in confinement, but that these kids are in for longer periods of time and more often.³⁴ Administrators stated that transitioning staff from the adult model of ticket and confinement oriented discipline, to graduated and more youth appropriate sanctions is a work in progress.

To limit confinement, Harrisburg began using time outs (use of confinement for less than four hours)³⁵ in mid-April 2013. When a youth is in time out, the youth's counselor comes to talk to him to work through the issue, and if the counselor is not available, then the school supervisor will talk to the youth to deescalate the situation. If the youth is having issues, mental health will be consulted. The increase in mental health staff has reportedly enabled administrators to better deal with youth in ways other than tickets and confinement, including contacting the youth's family regarding behavior issues within the facility.

At the time of the December 2013 visit, administrators reported 1,565 uses of confinement in the prior 12 months, and 62 instances in the month prior to the visit. Three youth were in confinement at the time of the visit. However, administrators stated that the high number of confinements includes time outs. In contrast, in 2012, Harrisburg reported 1,410 youth in confinement (reporting period October 2011-October 2012), with 127 instances in the month prior to our 2012 visit. The average length of confinement reported for 2013 was about two days compared to 2.16 days in 2012.

Use of time outs in lieu of confinement at Harrisburg has been a demonstrated success. First, administrators created a comprehensive data sheet to track use and effectiveness of time outs. This sheet tracks the youth by noting the time youth was brought into time out, time the youth left time out, whether or not the youth was put in full confinement from the time out, as well as subsequent behavior for which a youth received a time out or was put in confinement. As of March 25, 2014, 149 youth have received time outs at Harrisburg, with 21 of these resulting in the youth being put in full confinement.³⁶ Of note, there were 92 youth involved in the 149 instances, with approximately 39 youth committing two infractions, and only eleven youth having more than three infractions.³⁷

³⁴ JHA observed that religious materials were available to read in the confinement area. Administrators informed JHA visitors that library books were allowed in the confinement cells as well.

³⁵ Administrators clarified that when a youth has issues in school they will typically be sent to Ready to Learn before use of a confinement time out; however, if the youth is involved in a fight or assault they would be sent immediately to a time out. Time out requires staff input and conversation with youth to help him deescalate and successfully return to population.

³⁶ This information came from Harrisburg administration in a phone call with JHA staff on March 25, 2014.

³⁷ *Id.*

This is indicative of time outs being largely successful among the general youth population, and revealing that the true number of youth presenting serious behavior issues within the facility is actually quite small. Administrators believe that future data sets will in some ways be unable to capture the true use of deescalation techniques, which are used to head off using a time out, and are becoming more effective as initial interventions.³⁸

Administrators acknowledged the importance of staff having other alternatives to confinement to address issues and the importance of staff buy in. They are encouraging staff to use constructive behavior modification techniques, like conflict resolution, before resorting to confinement/tickets, unless the violation is physical. It helps that they have given staff a “menu” of graduated sanctions they can use as tools instead of immediately resorting to using confinement. Examples of alternatives to confinement include: early bedtime, having youth pay for property damage (restorative justice), or room confinement. Administrators reported that staff are starting to buy in to using alternatives to confinement and are using the menu of graduated sanctions. JHA continues to advocate for increased graduated sanction availability and continued education for staff about such methods. JHA commends Harrisburg for the successful implementation of time outs as an alternate form of discipline, and data-tracking improvement for confinement. Administrators acknowledged that progress has been made with confinement use, but Harrisburg has a long way to go, with both staff and supervisors.

Parole

IDJJ estimates that almost half of the youth in their facilities are incarcerated for technical parole violations. While it is clear that more work needs to be done to reduce juvenile recidivism, JHA is increasingly unclear what this high rate of technical violations means. Are technical violations the result of a parolee breaking a rule like missing curfew, as many youth claim? Or is it the end result of repeated and much more serious violations, like being arrested? It is impossible to answer these questions without more information and greater transparency from IDJJ about how paroled youth return to their facilities.

In response to JHA’s questions above, IDJJ described for us how paroled youth return to their facilities, citing the definitions used in a report by Dr. David Olson:

Parole Violators with a New Sentence are youth who were committed to a DJJ facility, released on parole and during their period of parole supervision were rearrested, reconvicted and recommitted to DJJ. Because most youth released from DJJ facilities are close to the age of majority (17 years of age), and therefore, if rearrested and reconvicted would most likely be in the adult court, very few youth are admitted to DJJ as Discharged and Recommitted youth, or Parole Violators with a New Sentence. Technical MSR Violator and Technical Parole Violator are youth released from DJJ facilities but returned due to a violation of either their Mandatory Supervised Release (MSR, which is used for youth who were convicted in the adult court and released from a DJJ facility) or a violation of their Parole (used to supervise youth adjudicated in the juvenile court

³⁸ *Id.*

and released from a DJJ facility). Technical violations of MSR or parole can include a wide range of violations, from arrest for a new crime to failure to report to their parole officer to positive drug tests, along with many other reasons.³⁹

To drive meaningful reform that will reduce juvenile recidivism, Illinois' juvenile justice stakeholders need a clearer sense of what "wide range of violations" mean in practice.

At the time of JHA's visit, only a handful of the youth at Harrisburg had been assigned to Aftercare, which is replacing supervision of released youth by Illinois Department of Corrections (IDOC) parole agents with youth-focused IDJJ aftercare specialists who focus on reentry planning for youth upon their commitment to State custody. It is anticipated this number will grow as Aftercare rolls out statewide in 2014.

Administrators described several issues with the current juvenile parole system. Administrators believed that parole agents could use specific training in juvenile development; that it is difficult to find residential placements for youth in their communities; that parole officers have unmanageably large parole caseloads; and that youth generally have understandable difficulty complying with conditions of their release (like curfew and remaining in a specific residence). Administrators noted that it is not realistic to think a teen will spend a term in IDJJ and then walk out and be perfect for several years, citing the fact that having to comply with a curfew would be enough to return most typical teens to custody.

While youth may be discharged early from parole, most simply "age out" when they turn 21. In practice, this means that youth may spend a relatively short time incarcerated, but spend years under community supervision, which is counter to accepted best practices. One youth interviewed stated that coming back five times to custody just makes him want to give up. Another youth reported he had actually been in adult IDOC custody, only to return to Harrisburg for a violation of juvenile parole for the same underlying conduct. The indeterminate and frequently several year-long period of parole most youth are subject to often leads to failure.

A theme that JHA heard repeatedly from youth was that parole violations seemed arbitrary, which again raises the issue of what a "wide range of violations" means in practice and the consistency used in enforcing them (see above). Some youth interviewed told JHA that they were not advised of their rights in regard to the parole violation processes and none remembered signing the waiver for a parole revocation hearing.⁴⁰ Youth consistently reported that a parole agent would permit an action repeatedly and then violate the youth. Staff agreed that sometimes youth will get away with minor violations, but then be held to strict compliance. In one example, an older youth reportedly was holding a job that required out of state travel that the parole agent repeatedly permitted, but then later violated him for it. Youth also complained that when they

³⁹Available at:

http://www.illinois.gov/idjj/Documents/Summary_of_State_Fiscal_Year_2012_Admissions_to_the_Illinois_Department_of_Juvenile_Justice_Facilities-1_copy.pdf.

⁴⁰ On October 23, 2012, the Roderick and Solange MacArthur Justice Center filed *M.H. v. Monreal*, 12-cv-08523, (N.D. Ill.), a case seeking legal representation for all youth involved in parole proceedings. While no current case information is available, JHA was informed via voicemail, in April of 2014 that the case is ongoing with movement expected in the coming month.

were on house arrest, four hours of movement was not sufficient to comply with other conditions of their parole, such as going to mental health or substance abuse treatment, or a job or school. Staff noted that the large number of parole violators indicates not just failures in the community, but that something is not happening inside facilities to ensure that youth have the necessary skills not to return.

Administrators noted that resources need to be concentrated on improving the availability and viability of parole placements. They further explained the difficulty of finding placements where electronic monitoring can be accommodated, which is frequently mandated by the PRB. Administrators noted that without assistance, many of the youth will be returning to the same environment that led to their incarceration, and that there is little to no housing for youth that is supported by the state. Some youth particularly remarked on the difficulty of finding placement when they are on medication for mental health issues.

At the time of the visit, 11 youth (6% of the population) at Harrisburg were approved by the PRB for release but could not be released due to lack of an approved placement. JHA has observed this failure throughout IDJJ and notes that this system-wide letdown has legal ramifications, and requires immediate attention and change. The mental health expert in the ongoing litigation particularly commented that holding youth beyond their Administrative Review Date (ARD) after they have been rehabilitated violates youths' human rights.⁴¹

PREA

JHA was deeply concerned that although administrators stated that staff and youth had been educated about the Prison Rape Elimination Act (PREA) hotline,⁴² youth expressed that they place little faith in the PREA hotline and do not feel there is a way to call confidentially to report issues of sexual victimization, because asking a staff member to use the phone raises suspicion or unwanted attention. Several youth expressed a belief to us that staff would retaliate against youth for using the PREA hotline, that staff will do nothing if youth report sexual misconduct, and that some staff make sexually suggestive comments to youth on a regular basis. One particular incident involving a youth who had been released prior to JHA's visit was reported to JHA staff by several youth still in the facility. These youth reported that the released youth used the hotline to report being the victim of sexual victimization by staff, and was then subject to retaliation by staff through denial of earned privileges like visits and phone calls, as well as increased generalized poor treatment directed at this youth. The families of the youth still in the facility verified to JHA that their sons had witnessed this situation and discussed their concern about it with their families. In response to these allegations from youth, facility administrators reported to JHA on April 21, 2014, that the youth who had made the initial claim of sexual victimization

⁴¹ *R.J. v. Jones*, 12-cv-07289 (N.D. Ill.), Document #51, September 23, 2013, "Psychiatric and Mental Health Report for Consent Decree," Dr. Louis Kraus, page 12.

⁴² Administrators explained that at intake, youth are told about sex harassment and abuse, and how to report, by a nurse giving out preprinted information to the youth and individually conducting a private question and answer session and then the youth sign a form indicating they have been told about PREA and the hotline. Signs about the hotline are posted throughout the facility and phones (in open booths) are available on housing units. To make a private hotline call in a counselor's office, youth must ask staff to let them call. IDJJ has cycle training for staff on PREA.

later recanted his claim during a Departmental investigation. They also informed JHA that this youth did not receive set time or experience any delay in his release, although either is a permissible sanction for a false claim of sexual victimization.

While JHA is not in a position to investigate or verify what happened in the situation described above, the fact that youth at the facility perceived that retaliation for using the hotline was a possible outcome of using it is of concern, particularly in light of a 2013 report on sexual victimization in juvenile facilities by the Bureau of Justice Statistics, United States Department of Justice (BJS), which found that Illinois ranked among the four worst states in the country for levels of victimization reported by surveyed youth in juvenile facilities. JHA recommends that IDJJ and Harrisburg remedy these problems through staff training, increased internal surveillance, appropriate education to staff and youth about sexual victimization and varied and increased reporting opportunities, as well as by encouraging a reporting culture in their facilities.

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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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