Lawsuit Leads to New Limits on Solitary Confinement at Juvenile Prisons in Illinois

By JULIE BOSMAN
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CHICAGO — A settlement to a federal lawsuit will sharply limit the practice of solitary confinement in juvenile correctional facilities run by the state of Illinois, the American Civil Liberties Union of Illinois announced on Monday.

The settlement, which resolved a lawsuit filed by the A.C.L.U. of Illinois against the state, requires that the juvenile inmates spend at least eight hours a day outside their cells, said Adam Schwartz, a lawyer for the A.C.L.U. of Illinois. The new policy also requires that the inmates in isolation continue to receive education and mental health services.

“What we would say is that if you get to leave your room and be in the company of staff, and have the opportunity to talk to them for eight hours every single day, there’s no longer solitary confinement,” Mr. Schwartz said. “You don’t need to use solitary confinement to keep a prison safe. We think that these new rules are consistent with running a safe and rehabilitative prison system.”

The policy makes Illinois the latest state to enact a less restrictive approach to running its juvenile correctional facilities. Advocates for juveniles have long argued that solitary confinement is counterproductive, causing young people to suffer paranoia and depression. A review by the Department of Justice found that more than half of the suicides in juvenile prisons occur during solitary confinement.

Natalie J. Kraner, a lawyer with the Lowenstein Center for the Public Interest, the pro bono arm of the law firm Lowenstein Sandler, said that Illinois had become one of 20 states to prohibit the use of solitary confinement as a punitive measure.

“I think we’re slowly moving away from it,” she said. “The country is recognizing the harms that come from the use of solitary confinement, especially when you’re talking about juveniles.”
The new Illinois rule applies to the six state-run juvenile facilities that house close to 700 youths; the smallest currently holds 24, and the largest 238. Solitary confinement may be used in certain situations if a youth is considered a threat to others, but only for short periods of time. The new confinement rule does not extend to the hundreds of other young people who are in the custody of the Illinois Department of Corrections. A spokesman for the Illinois Department of Juvenile Justice, Mike Theodore, said state officials were pleased with the settlement.

"We believe this policy is consistent with prevailing federal rules and national best practices," Mr. Theodore said. “Department of Juvenile Justice staff have been working diligently over the last year to begin to comply with the new directive.”

Similar lawsuits have challenged juvenile solitary requirements in Mississippi, New York and Ohio. As a result, those states now require inmates to be out of their rooms for at least four hours a day. Some states allow confinement for only a few hours each day, but there are still nine states that place no limit on the amount of time that a juvenile may spend in punitive solitary confinement.

In September, the New York City Correction Department ended solitary confinement for 16- and 17-year-old inmates at the Rikers Island complex. In January, the city agreed to extend the ban to all Rikers inmates 21 and younger. The United States attorney’s office in Manhattan had issued a report criticizing the department’s policies for teenage inmates, calling the use of solitary confinement “excessive and inappropriate.”

The A.C.L.U. of Illinois filed the lawsuit, R.J. v. Jones, in 2012 to improve conditions at the state’s juvenile facilities. The policy announced on Monday was approved in April by Judge Matthew F. Kennelly of Federal District Court.
Elizabeth Calvin, a senior advocate in the children’s rights division of Human Rights Watch, said that solitary confinement was particularly damaging to juveniles. “I think there’s a growing recognition that putting children and youth into isolation is not a way to address the problems that these young people have,” she said. “If we’re talking about teens, we’re talking about individuals who are still developing, neurologically and socially. Those are tasks that require social interaction.”

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