

JB Pritzker
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Rob Jeffrey
Director
Clerk, U.S. District Court, ILCD

The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

To: *Rasho* Plaintiffs' Counsel
From: Illinois Department of Corrections
Re: *Rasho* Out-of-Cell Time
Date: September 30, 2021

On July 29, 2021, the parties reached an agreement ("RTU Agreement") to resolve Plaintiffs' pending motion for a preliminary injunction (ECF 3288) which asked the Court to order the Department to produce a plan for providing the 10 hours of structured and 10 hours of unstructured out-of-cell time for individuals housed in Residential Treatment Units (RTUs). As part of this RTU Agreement, the Department agreed to provide a report by September 30, 2021 regarding (1) the status of the Department's compliance with offering 10 hours of structured and 10 hours of unstructured out-of-cell time to RTU patients at Dixon and Pontiac; (2) documentation relied on by the Department in its assessment of compliance; (3) the reasons for offering less than 10 hours of structured or unstructured out-of-cell time to RTU patients at Dixon and Pontiac; and (4) the Department's plan to achieve compliance with providing the structured and unstructured out-of-cell time. The Department provides this Report to address each of these issues.

1. The status of the Department's compliance with offering 10 hours structured and 10 hours unstructured out-of-cell time to RTU patients at Dixon and Pontiac. This will not include information regarding the provision of out-of-cell time to individual RTU patients.

As promised in Section IV.A. of the RTU Agreement between the parties, the Department has continued to assess the out-of-cell hours being provided to RTU patients at Dixon and Pontiac on a weekly basis. As promised in Section IV.D., the facilities developed methods of tracking whether the scheduled time was provided or cancelled. Due to the constraints outlined in part 3 below, Dixon has not reached the 10 hours of structured time each week but has more than doubled the required unstructured out-of-cell time. For the reasons outlined in part 3 below, Pontiac has not reached the 10 hours structured or 10 hours unstructured out-of-cell time.

Mission: To serve justice in Illinois and increase public safety by promoting positive change in individuals in custody behavior, operating successful reentry programs, and reducing victimization.

Since the agreement was reached, the facilities have averaged the following out-of-cell hours in the RTU:

DIXON					
WEEK/DATES	STRUCTURED			UNSTRUCTURED	
	STC	DXP	RH RTU	STC	DXP
1 8/1/2021-8/7/2021	5 hours	3-4 hours	10-12 hours	26 hours	19-26 hours
2 8/8/2021-8/14/2021	5 hours	3-4 hours	10-12 hours	26 hours	19-26 hours
3 8/15/2021-8/22/2021	5 hours	3-4 hours	10-12 hours	26 hours	19-26 hours
4 8/23/2021-8/29/2021	5 hours	3-4 hours	7-8 hours	26 hours	19-26 hours
5 8/30/2021-9/5/2021	6 hours	4-5 hours	7-8 hours	26 hours	19-26 hours
6 9/6/2021-9/12/2021	6 hours	4-5 hours	6 hours	26 hours	19-26 hours
7 9/13/2021-9/19/2021	6 hours	4-5 hours	6 hours	26 hours	19-26 hours
8 9/20/2021-9/26/2021	6 hours	4-5 hours	7-9 hours	26 hours	19-26 hours

PONTIAC				
WEEK/DATES	STRUCTURED		UNSTRUCTURED	
	BMU	MTC	BMU	MTC
1 8/1/2021-8/7/2021	2 hours (4 groups)	2 hours (3 groups ran)	0 hours (no yard)	0 hours (no yard)
2 8/8/2021-8/14/2021	2.3 hours (7 groups)	2 hours (5 groups ran)	4 hours (4 yards)	2.5 hours (1 yard)
3 8/15/2021-8/21/2021	8 hours (16 groups)	2.5 hours (5 groups)	0 hours (no yard)	2.5 hours (1 yard)
4 8/22/2021-8/28/2021	5.5 hours (11 groups)	3 hours (6 groups)	2.5 hours (1 yard)	2.5 hours (2 yards)
5 8/29/2021-9/4/2021	3.5 hours (7 groups)	2.5 hours (5 groups)	4 hours (2 yards)	2.5 hours (1 yard)
6 9/5/2021-9/11/2021	2 hours (4 groups)	2.5 hours (5 groups)	4 hours (5 Yards)	2 hours (2 yards)
7 9/12/2021-9/18/2021	0 Hours (0 Groups)	.23 Hours (2 Groups)	0 Hours (0 Yards)	1.33 hours (1 Yard)
8 9/19/2021-9/25/2021	0 Hours (0 Groups)	.23 Hours (2 Groups)	0 Hours (0 Yards)	1.33 hours (1 Yard)

2. Documentation relied on by the Department in its assessment of compliance with providing 10 hours structured and 10 hours unstructured out-of-cell time to RTU patients at Dixon and Pontiac. This will not include information regarding the provision of out-of-cell time to individual patients.

Included with this report are the following supporting documents:

- RTU Agreement;
- Weekly tracking of RTU out-of-cell time for Dixon and Pontiac;
- Dixon documentation of cancellations;
- Pontiac memorandum reminding staff of the requirements and read at roll call; and
- Pontiac lockdown reports.

3. The reasons for offering less than 10 hours structured and 10 hours unstructured out-of-cell time to RTU patients at Dixon and Pontiac, if applicable.

Dixon has been providing 2 to 2.5 times the amount of unstructured out-of-cell time to all RTU patients. Regarding the structured time, the impediment to providing the hours has been a combination of factors including reduced security staffing levels, mental health staffing vacancies, physical space to provide group treatment, COVID protocols, and lockdowns.

Pontiac's primary impediment is the significantly low number of security staff. Security staffing is required to escort and monitor whenever out-of-cell time takes place. Pontiac is short approximately 270 of their allocated security positions resulting in the need to prioritize tasks.

4. The Department's plan to achieve compliance with providing 10 hours structured and 10 hours unstructured out-of-cell time to RTU patients at Dixon and Pontiac.

A. Dixon is already providing the required 10 hours of unstructured out-of-cell time. Dixon has taken or is taking the following actions to work toward full compliance with the 10 hours structured out-of-cell time:

- Administration, Mental Health, and Operations have met to discuss ways to increase out-of-cell time. These discussions have included:
 - Whether the number of residents in a group at one time can be increased. The facility has reached out to OHS and Operations to seek approval to increase group size. Starting on 8/30/2021, the number of individuals allowed out for community meetings increased from 10-20 at a time. At this time, other group sizes are unlikely to increase due to COVID restriction. *Status: Complete, but evaluation on potential for increasing other groups is ongoing.*
 - Adding evening groups in the DXP, limited to four residents. *Status: Being considered/evaluated.*

- Using alternate methods, such as movies and mental health DVDs or chaplaincy, to increase out-of-cell time. Status: *Being considered/evaluated.*
- Use of space in the DXP and STC gym for additional groups. Status: *Being considered/evaluated. Gym being renovated.*
- Working with Wexford to adjust a BHT schedule to 8-4 Sunday-Thursday to ensure DXP RH groups can run consistently. Status: *This adjustment was approved and started on 9/12/2021.*
- Mental Health staff has continually reviewed individuals to determine whether transfers to a higher level of care, or discharge from RTU, are appropriate or warranted.
- Alternatives to standard yard restriction in recognition of the difficulty to achieve 10 hours of unstructured hours without it are being considered, including limiting the amount of yard restriction given, requiring yard alone instead of yard with a group. Additionally, the smaller yards being constructed will provide more flexibility. Status: *Underway.*
- Administration and Mental Health are reviewing all residents of the DXP to determine who is clinically appropriate for transfer as well as those who can be reclassified as medium security. Those who are appropriate will be submitted for transfer. To date, two residents have been transferred and eight have transfer paperwork in process. There are still additional individuals being reviewed. Status: *Underway as noted.*
- A project manager is assigned to oversee the construction projects taking place in the DPU and healthcare unit to improve staff safety and increase out-of-cell time. Projects include:
 - Creating secure dayrooms in the health care unit and on A, B, and D wings of the DPU. Status: *A wing complete within approximately two weeks except for phones and kiosks. B and D wing will be complete in approximately 8 weeks;*
 - Installing fencing to create additional yard space at the DPU. Status: *Estimated completion 8 weeks; and*
 - Dividing the RTU gym into two usable spaces for structured and unstructured activities. Status: *Estimated completion in approximately 2 weeks.*

Status: *Ongoing as noted above.*

- B. Pontiac has taken or is taking the following actions to work toward full compliance with the 10 hours structured and unstructured out-of-cell time:
- Administration, Mental Health, and Operations have met to discuss ways to increase out-of-cell time. Additionally, on September 16, 2021, Pontiac's new Warden and Assistant Warden of Programs stepped into their roles with the knowledge of the need to focus on the provision of out-of-cell time. Status: *Ongoing at all times.*
 - Mental Health staff continually review individuals to determine whether transfers are appropriate or warranted. Status: *Complete in terms of specific reviews promised under the agreement between the parties, Section II.D.1. Ongoing at all times.*
 - Mental Health and Operations staff in the RTUs work closely together to maximize and prioritize out-of-cell time. These efforts will continue. Status: *Ongoing at all times.*

- Increasing group sizes from 3 to 4 at a time. *Status: Complete.*
 - Assessing expungement of yard restriction. *Status: Review underway. Comprehensive review to reduce or expunge will be made by Warden.*
 - Review rosters to ensure proper allocation and maximization of staffing complement. *Status: Underway. A request was made to have the Roster Review Team assist with completion.*
 - Review whether additional cuts to restrictive housing time are appropriate, whether individual security levels can be reassessed, and whether escorting procedures can be adjusted. *Status: Underway through the incentive programs designed to reduce restrictive housing and grade restrictions. The Restrictive Housing Review Committee reviews the transition and stabilization plans for all individuals in Restrictive Housing.*
 - Dividing the large yard into four smaller yards which will likely reduce lockdowns and increase number of the individuals out at one time. *Status: Underway. Funds are allocated. Meeting held on 9/27/2021 with the facility Chief Engineer and Operations. Meeting involved touring of the space/layout and how to acquire the materials to get started. The plan is to get as many constructed as quickly as possible, but construction may be impacted by weather.*
 - Improved communication between departments to ensure escorted movement is efficient. *Status: Underway. Overall communication is steadily improving with new facility Administration. Discussions underway to maximize movement.*
 - Reduce risk of decompensation through efforts by the mental health teams to provide literature in cell and increase rounding. *Status: Underway at all times. Rounds were increased to twice a week and in-cell assignments are being given to all residents.*
 - Mental Health and Operations staff in the RTUs continue to work closely together to maximize and prioritize out-of-cell time. *Status: Underway at all times.*
- C. The Department overall has focused and continues to focus on a number of initiatives that will ultimately impact the out-of-cell time provided at the RTUs, including:
- Increasing outreach to fill cadet classes, including:
 - Hosting virtual and in-person job fairs throughout the state.
 - Attending established career fairs, diversity fairs, business dinners, and other hiring events throughout the state.
 - Working with the union on recruitment.
 - Providing community groups, such as the Rotary Club, with updates and opportunities for jobs in the local community.
 - Determining whether changes to the screening test can and should be made;
 - Adjusting the way screenings are scheduled and providing increased reminders to maximize response.
 - Implementing an email marketing system for potential hires, stakeholders, and retirees to advertise job fairs, share postings, etc.

- Open houses/tours for interested applicants.

Status: Ongoing

- Restructuring of the Department, including by transitioning Lawrence Correctional Center to a maximum-security facility and closing East and West cell houses at Pontiac. Status: Ongoing but delayed due to COVID mitigations required at other facilities. Current estimated completion is end of 2021 but subject to change.
- Exploring any and all avenues to obtain additional staff, including the potential to utilize TACT Teams or staff from other facilities. Status: Ongoing