



John Howard Association of Illinois

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REPORT
DELIVERED AT THE ANNUAL MEETING AND LUNCHEON
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To Our Friends, Colleagues, Sponsors and Guests:

Our mission is clear:

The John Howard Association of Illinois provides public oversight of the state's prisons, jails, and juvenile correctional facilities. As it has for more than a century, the Association promotes fair, humane, and effective sentencing and correctional policies, addresses inmate concerns, and provides Illinois citizens and decision-makers with information needed to improve criminal and juvenile justice.

But standing alone, a mission statement is an abstraction. We are more concretely defined by our activities and by how well we undertake them. In this past year, we engaged in activities that support our mission and which achieved a fair balance of success and impact. At the same time, we learned some valuable lessons to apply as we move forward in the coming year.

Here are highlights of our work this past year:

Through the **PRISONS AND JAILS PROGRAM**, directed by Charles A. Fasano, supported by Program Coordinator James Sayles and assisted by Board members, numerous volunteer visitors and student interns, the John Howard Association of Illinois undertakes periodic visits to Illinois' adult prisons and the Cook County Department of Corrections. The focus is usually on maximum security institutions, those from which we receive more frequent inmate complaints, and prisons which we monitor because of their innovative programming. Prisons visited recently include Sheridan, Pontiac, Dwight (women's prison) and Dixon; visits scheduled include Hill, Decatur, Stateville and the Northern Reception Center at Joliet. It has proven a challenge to prepare reports on our observations and findings from visits, but we expect to issue several reports early in the coming year.

Also as part of the Prisons and Jails Program, the John Howard Association attempts to answer or respond in some meaningful way to each written and telephoned inquiry or request sent by or for Illinois inmates. In this past year we initiated the PAIR (Prisoner Assistance, Information and Referral) project to improve our responses to inmate requests, set up a system by which we monitor trends in inmate complaints, and developed a working partnership with law firms to help assure that as many inmates with substantial legal claims on any issue are given a chance at obtaining qualified *pro bono* representation. We use the information that comes to us through the

PAIR project to help select institutions for our visits and to shape our inquiries during those prison visits. Perhaps as a result of our efforts to increase the substance of our information and advice, the number of letters and inquiries to the Association from inmates have increased. We have not been able to add staff to meet the demand. We anticipate making changes in the referring mechanism with which requests for legal assistance are referred to lawyers who may volunteer to assist them *pro bono*.

Also under the auspices of the Prison and Jail Program and under Charles Fasano's direction, the John Howard Association of Illinois is a court-appointed monitor in two federal civil rights cases affecting adult inmates:

- Under the authority of the federal court in Duran v. Dart, we conduct frequent visits to the Cook County Department of Corrections (Jail) to observe compliance with conditions and crowding agreed to by the parties. We recently supplemented the lengthy Court Monitor's Annual Report published in May 2007 with short reports to the court documenting increases in overcrowding. Other concerns we raised as court monitor, including a recent increase in the number of hours per day many inmates are kept in cells have been addressed, while the Sheriff has joined with the John Howard Association in its concerns about decreases in medical and mental health services at the jail for which Cook County is directly responsible.
- John Howard Association of Illinois staff have recently begun monitoring new procedures implemented under terms of a settlement in King v. Walker, a case which revamps the Illinois Department of Corrections' method of handling preliminary hearings for inmates against whom petitions for violations of parole or terms of conditional release have been filed. The resolution of the legal issues raised in the case requires new due process hearings at the Cook County jail and at a prison classification center in Joliet resulting in elaborate changes in the timing and method by which inmates are transported between courts, the Cook County jail, prisons and juvenile facilities.

LONG TERM PRISONER POLICY PROJECT Director Shaena Fazal, who remains on staff after her successful conclusion of an Open Society Institute's Soros Fellowship, advocates for increases in programs and rehabilitative services for long term prisoners. With generous funding from the Illinois Humanities Council, we continue to administer the Stateville Book Club. She has also contributed to the deliberations of a special committee established by the Illinois legislature to study long term prisoners on issues such as health care and other issues for long term and elderly inmates.

Shaena was also recently appointed to Vice-Chair of the Illinois State Bar Association's Committee on Corrections and Sentencing, where she obtained the assistance of two life-sentenced prisoners to assist the Committee in updating the Post-Trial Remedies Handbook, a free resource for Illinois prisoners. As Vice-Chair of the Committee, she helped facilitate a Continuing Legal Education Course, along with James Sayles, Charles Fasano and Board member Aviva Futorian in Hoffman Estates and Collinsville, Illinois.

Under Shaena's direction, the Project has devoted significant time to working with the Illinois Coalition for the Fair Sentencing of Children to abolish the sentence of life without parole for

children. Efforts have included building strong support for the issue from Illinois-based organizations, private citizens and Illinois policy and law makers. These efforts have also included reaching out to victims to ensure sensitivity to how they may be affected by any changes in the law. Through the Coalition's work, Shaena assisted in drafting an Amicus Curiae brief on behalf of one juvenile lifer who was sentenced to life in prison for his role as an accomplice in a homicide when he was 15 years old. Recently, the story of this inmate, Marshan Allen, was featured on Chicago Public Radio.

Following the untimely death of David Saxner, a John Howard Association of Illinois Board Member and Director of the independent "Campaign in Support of C# Prisoners," Shaena, Board Member Aviva Futorian and James Sayles have continued to administer the C# Representation Project, founded here as part of the Long-Term Prisoner Policy Project, and in conjunction with the Campaign in Support of C# Prisoners, which is now under the direction of James Sayles. The Representation Project recruits and trains *pro bono* lawyers to represent C# prisoners at their parole hearings, and sends a representative to attend and document the Prisoner Review Board's *en banc* hearings in Springfield. Shaena also represents several C# prisoners herself, with the assistance of James Sayles.

Finally, Shaena has participated in lecturing at Continuing Legal Education Classes offered to attorneys certified under the capital litigation trial bar. Late in 2006, she was given the Judge Abraham Lincoln Marovitz *Pro Bono* Award by her alma mater, the Chicago-Kent College of Law, for her commitment to practicing *pro bono* law.

JUVENILE JUSTICE PROGRAM This year, under continued direction of Pat Connell, the Association has devoted more extensive staff and volunteer time and energy to the well-being of children in state and county custody.

- Our staff and volunteers play key roles helping the new **Illinois Department of Juvenile Justice**, which holds 1,400 Illinois children in "secure facilities," fulfill its mandate to treat troubled children as youth who have potential. Our work is part of the ambitious John D. and Catherine T. MacArthur Foundation's Models for Change initiative to improve the lives of children. While monitoring and evaluating the new Illinois Department of Juvenile Justice, we discovered issues of acute concern which if not addressed would prevent the Department from even coming close to achieving its objectives:
 - A desperate lack of upper level administrative and management staff
 - A continued shortage of teachers and line staff
 - Lack of resources in the Governor's proposed budget for a new state-wide aftercare program, one of the key elements of reform.
 - A response to negative attacks on the Illinois Department of Juvenile Justice by the union, AFSCME, with which we concurred in part and disagreed in part, but which we felt were more correctly directed to the Governor's office.

We were asked to testify at hearings about the Illinois Department of Juvenile Justice called by the Illinois House of Representatives Juvenile Justice Committee chaired by Representative Annazette Collins. We described our observations and recommendations,

including a demand that the executive branch expedite hiring teachers and line staff. The Committee advanced our recommendations in a resolution it prepared for the entire House of Representatives. We anticipate continued struggles to bring the resources and attention of executive branch officials to the support of the Illinois Department of Juvenile Justice.

- As generously described by Professor Thomas F. Geraghty at our Annual Meeting, the John Howard Association of Illinois vigorously championed the cause of children at the embattled **Cook County Juvenile Temporary Detention Center**, where more than 400 troubled youth are held in custody.

For several years, Charles A. Fasano has served individually as one of two court monitors at the Detention Center who have collaborated with a team of experts to help bring about reform. Despite preparation of a new and comprehensive plan to provide qualified staffing, medical and mental health care, programs and conditions agreed to in January 2007 by all parties in Doe v. Cook County, a civil rights lawsuit brought to protect children at the Detention Center, conditions including those that bore directly on the safety of children at the Detention Center failed to improve.

The John Howard Association of Illinois has conducted periodic visits to the Detention Center under direction of Pat Connell, Director Juvenile Justice Programs. Last winter the John Howard Association of Illinois's Board of Directors formed a Special Committee to conduct its own visits and inquiries in addition to regular visits conducted by staff and volunteers. The Association issued three major reports from its regular visitors and the Special Committee and several letters and memoranda documenting deficiencies in safety, mental health services, conditions and programs at the Detention Center. These reports were cited in the press, which has itself been monitoring the Detention Center:

** In its lead editorial of 2 April 2007, the Chicago Tribune highlighted our report of "county officials' sluggish compliance with court orders to remedy lousy mental health services" at the Cook County Juvenile Temporary Detention.*

** Chicago Public Radio's "Eight-Forty-Eight" summarized the same report: despite some improvements, "overall progress is slow and remains hamstrung by bureaucratic bungling, budget shortfalls and a county board that is not acting quickly or decisively enough."*

** We were pleased to hear Cook County Commissioner Larry Suffredin tell an NPR audience of one of our reports on the Detention Center that: "...the best antiseptic to a problem in government is sunlight, and having the report and having the eyes of the volunteers that the John Howard Association brings into the Juvenile Temporary Detention Center is really the key"*

On May 24th, 2007 the plaintiffs' lawyers asked the federal court overseeing the Detention Center under terms of a settlement in Doe v. Cook County to appoint a receiver – a person with control over hiring, purchases and operations. (*In considering the merits of the plaintiffs' request, Judge John Nordberg mentioned our reports as a factor in his consideration of the merits of the Plaintiff's request.*) The Special Committee publicly recommended that the County agree to appointment of a receiver. We obtained support from several groups of child advocates and they, the media and plaintiffs brought pressure to bear in support of our recommendations. Hours before the start of evidentiary hearings, the County asked to negotiate a settlement to the motion along the lines proposed by the John Howard Association of Illinois, and an agreement to appoint Earl Dunlap as "Transition Administrator," essentially a receiver with a different title, was reached at the end of July. We are now watching and waiting, much as Thomas Geraghty has urged us all to do, to see if change which will benefit Cook County's troubled children will follow.

While the John Howard Association of Illinois is committed to exercising oversight of both adult prisons and jails and juvenile facilities, in the year past, the John Howard Association of Illinois has best fulfilled its role as a "watchdog" by visiting and taking the point of view of the youth who are incarcerated, making the case against abuse, inattention, excessive punishment and unprofessional care, and looking for opportunities to improve the care and treatment of troubled children placed in county and state custody.

In the past year, the John Howard Association of Illinois has been active in **POLICY AND PUBLIC EDUCATION** with legal and social research and the communication of information to policy-makers.

- The Association joined in an Amicus Curiae brief filed in United States District Court for the Northern District of Illinois in support of the proposition that a federal district court judge should attempt to find a volunteer lawyer for a defendant who is poorly educated and otherwise of limited in ability, and goes to trial on a civil rights claim without benefit of an attorney. (Pruitt v. Mote)
- Shaena Fazal was one of several attorneys drafting an Amicus Curiae brief for the trial court on behalf of Marshan Allen in support of his attorney's post conviction challenge to a life sentence imposed for his role as an accomplice in a homicide when he was 15 years old.
- This past year the Association successfully engaged policy-makers in reconsideration of proposals to limit access Illinois inmates have to Illinois courts through restrictive screening and the imposition of onerous filing fees, and in efforts to drastically curtail the discretionary authority of the Prisoner Review Board to review long term prisoners' parole eligibility.
- The Association also helped ensure the legal sufficiency of legislation which transfers oversight of the Cook County Juvenile Temporary Detention Center from the Executive Branch of County government to the Circuit Court, in the end producing a bill that minimized county government's role in overseeing the administration or controlling the budget of this troubled agency.

- Our Policy and research activities have been greatly aided by two Public Interest Law Initiative fellows, Erin Gladney and Bobbie Owens, who have been assisting in a review of legal and corrections policy issues related to the operation of “Supermax” prisons, one of which is operated by the Illinois Department of Corrections at Tamms in the far southern portion of the state. We also completed major portions of a paper describing the Prisoner Review Board’s decision-making process as it reviews parole applications from the nearly 300 “C-number” inmates sentenced before 1978 to indeterminate sentences.
- This past year, the John Howard Association of Illinois supported a draft of legislation designed to open the door to the possibility of review of life sentences imposed on approximately 103 Illinois prisoners for their participation in homicides before they were 18 years old. Many of these were children who lacked maturity, were minimally involved or did not appreciate the significance of their participation as would an adult, yet were subjected to a mandatory life sentence under the operation of Illinois law. The Board of Directors recently affirmed its longstanding commitment to advancing this important sentencing and human rights reform in Illinois which has also received a boost from support of a coalition with which the Association participates, “Illinois Coalition for the Fair Sentencing of Children.” The Association also affirms its support for a law change which would increase the age of majority from 17 to 18, as is the case in 38 states, and internationally, because we believe children do not belong in adult criminal courts or adult prisons.

COMMUNICATIONS – We have had technical problems within our office which have on occasion affected email and electronic communications which we hope will not soon be repeated. The demands on staff time for other work have prevented us from making as full and complete use of the web, emails, and other communications tools as we would have liked. Never the less, we have modestly upgraded our web site so that it now carries news of our work and activities and copies of our reports and policy papers. We publish prison, jail and juvenile facility visiting schedules on our web site and encourage our visitors to refer to the web for schedule changes and information about visits. Our website is at www.john-howard.org.

STAFF AND ADMINISTRATION - Unfortunately, our former Office Manager, Teena Purdiman, a “jack of all trades” who contributed greatly to the daily operation of our office and helped pull together a successful Annual Meeting in September 2006, decided to relocate to Phoenix, Arizona with her husband. We are now assisted by Acting Office Manager Susana McLellan who has stepped in nicely to fill a void.

As previously noted, the Association continued Shaena Fazal’s position as Director of the Long Term Prisoners Policy Project after the conclusion of her Soros Fellowship and therefore assumes responsibility for its funding.

We have shifted our bookkeeping to an outside part-time employee in order to relieve the Office Manager of that responsibility, and we have taken other management related steps to upgrade the Association’s audit and accounting functions.

We are excited indeed to have received the pledge of an anonymous donor to provide the salary for a new position, Director of Development, who will work with the Executive Director to build needed

financial support sufficient to permit a very hard working office to more completely fulfill its mission. The Board of Directors is deeply appreciative of the interest which the donor has taken in the Association's work and in the donor's commitment to its mission.

The John Howard Association of Illinois will publish its **ANNUAL FINANCIAL REPORT** separately. When completed, copies will be available on request. It needs be said, however, that the support provided to this Association by a cross-section of generous law firms, businesses, private individuals, Board Members, corrections officials and agencies, family foundations and most particularly, the United Way Campaign have been and will continue to be absolutely essential to its operations now and in the future.

Respectfully Submitted,

Malcolm C. Young
Executive Director

18 September 2007