

1 AN ACT concerning juveniles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the End
5 Youth Solitary Confinement Act.

6 Section 5. Purpose. The purpose of this Act is to end the
7 use of solitary confinement for young detainees in detention
8 centers for any purpose other than preventing immediate
9 physical harm.

10 Section 10. Covered juvenile confinement.

11 (a) In this Act:

12 "Administrative hold" means the status assigned to a
13 covered juvenile who is temporarily being housed in a
14 particular covered juvenile center and includes, but is not
15 limited to: a covered juvenile awaiting transfer to another
16 juvenile detention center, a covered juvenile permanently
17 assigned to another juvenile detention center being
18 temporarily housed for purposes of attending court, the
19 covered juvenile awaiting release, and the covered juvenile
20 who was transferred to the Department of Corrections by
21 mistake.

22 "Behavioral hold" means the status assigned to a covered

1 juvenile who is confined to the covered juvenile's own room or
2 another area because he or she is engaging in dangerous
3 behavior that poses a serious and immediate threat to his or
4 her own safety, the safety of others, or the security of the
5 juvenile detention center.

6 "Chief administrative officer" means the highest ranking
7 official of a juvenile detention center.

8 "Confinement" means any instance when an individual
9 covered juvenile is held for 15 minutes or more in a room,
10 cell, or other area separated from other covered juveniles.
11 Confinement may occur in locked or unlocked rooms.
12 "Confinement" includes an administrative hold, behavioral
13 hold, or investigative status. "Confinement" does not include
14 medical isolation or quarantine, situations when a covered
15 juvenile requests to go to his or her room, the movement of the
16 covered juvenile between offices and classrooms while
17 attending school, a covered juvenile who receives individual
18 counseling or other therapeutic services, or staff who are in
19 ongoing continuous conversation or processing with the covered
20 juvenile such as a cool down.

21 "Covered juvenile" means any person under 21 years of age
22 incarcerated in a Department of Juvenile Justice facility or
23 any person under 18 years of age detained in a county facility
24 under the authority of the local circuit court.

25 "Investigative status" means a status assigned to a
26 covered juvenile for whom confinement is necessary for the

1 efficient and effective investigation of a Tier 2 or Tier 3
2 offense, as defined in the Department of Juvenile Justice's
3 Administrative Directive 04.01.140.

4 "Tier 2" or "Tier 3" offense means a major rules violation
5 that results in immediate disciplinary consequences that are
6 assigned by the staff of a facility of the Illinois Department
7 of Juvenile Justice reporting the violation.

8 (b) The use of room confinement at a youth facility for
9 discipline, punishment, retaliation, or any reason other than
10 as a temporary response to a juvenile's behavior that poses a
11 serious and immediate risk of physical harm to any individual,
12 including the juvenile, is prohibited.

13 (b-5) A covered juvenile may be placed on an
14 administrative hold and confined when temporarily being housed
15 in a particular juvenile detention center or for
16 administrative or security purposes as personally determined
17 by the chief administrative officer.

18 (b-6) Placement on administrative hold shall be subject to
19 the following time limitations:

20 (1) when the covered juvenile is awaiting transfer to
21 a youth facility or a more secure setting, the
22 administrative hold may not exceed 3 business days; and

23 (2) the administrative hold may not exceed 7 calendar
24 days when the covered juvenile is temporarily transferred
25 to a different facility for the purposes of placement
26 interviews, court appearances, or medical treatment.

1 (b-7) Whenever a covered juvenile is on an administrative
2 hold, the Department shall provide the covered juvenile with
3 access to the same programs and services received by covered
4 juveniles in the general population. Any restrictions on
5 movement or access to programs and services shall be
6 documented and justified by the chief administrative officer.

7 (c) If a covered juvenile poses a serious and immediate
8 risk of physical harm to any individual, including the
9 juvenile, before a staff member of the facility places a
10 covered juvenile in room confinement, the staff member shall
11 attempt to use other less restrictive options, unless
12 attempting those options poses a threat to the safety or
13 security of any minor or staff.

14 (d) If a covered juvenile is placed in room confinement
15 because the covered juvenile poses a serious and immediate
16 risk of physical harm to himself or herself, or to others, the
17 covered juvenile shall be released:

18 (1) immediately when the covered juvenile has
19 sufficiently gained control so as to no longer engage in
20 behavior that threatens serious and immediate risk of
21 physical harm to himself or herself, or to others; or

22 (2) no more than 24 hours after being placed in room
23 confinement if a covered juvenile does not sufficiently
24 gain control as described in paragraph (1) of this
25 subsection (d) and poses a serious and immediate risk of
26 physical harm to himself or herself or others, not later

1 than:

2 (A) 3 hours after being placed in room
3 confinement, in the case of a covered juvenile who
4 poses a serious and immediate risk of physical harm to
5 others; or

6 (B) 30 minutes after being placed in room
7 confinement, in the case of a covered juvenile who
8 poses a serious and immediate risk of physical harm
9 only to himself or herself.

10 (e) If, after the applicable maximum period of confinement
11 has expired, a covered juvenile continues to pose a serious
12 and immediate risk of physical harm to others:

13 (1) the covered juvenile shall be transferred to
14 another facility, when available, or internal location
15 where services can be provided to the covered juvenile
16 without relying on room confinement; or

17 (2) if a qualified mental health professional believes
18 the level of crisis service needed is not currently
19 available, a staff member of the facility shall initiate a
20 referral to a location that can meet the needs of the
21 covered juvenile.

22 (f) Each facility detaining covered juveniles shall report
23 the use of each incident of room confinement to an independent
24 ombudsperson for the Department of Juvenile Justice each
25 month, including:

26 (1) the name of the covered juvenile;

1 (2) demographic data, including, at a minimum, age,
2 race, gender, and primary language;

3 (3) the reason for room confinement, including how
4 detention facility officials determined the covered
5 juvenile posed an immediate risk of physical harm to
6 others or to him or herself;

7 (4) the length of room confinement;

8 (5) the number of covered juveniles transferred to
9 another facility or referral to a separate crisis location
10 covered under subsection (e); and

11 (6) the name of detention facility officials involved
12 in each instance of room confinement.

13 (g) An independent ombudsperson for the Department of
14 Juvenile Justice may review a detention facility's adherence
15 to this Section.