

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

R.J. et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 12-cv-7289
)	
CANDICE JONES,)	Hon. Matthew F. Kennelly
)	
Defendant.)	

SUPPLEMENTAL ORDER

For good cause shown, the Court orders, adjudges, decrees, and finds as follows:

PART I: GENERAL PROVISIONS

1. Prior proceedings.

- (a) Complaint. On September 12, 2012, plaintiffs filed this civil rights class action pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. § 2201 *et seq.* Plaintiffs are youths confined in secure facilities operated by the Illinois Department of Juvenile Justice (“DJJ”). Defendant is the DJJ Director. The complaint alleges that certain DJJ conditions, services, and treatment violate the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the federal Individuals with Disabilities Education Act. Specifically, the complaint addresses DJJ mental health services, general and special education services, room confinement, safety, and commitment beyond release dates for lack of a community placement. The complaint seeks declaratory and injunctive relief. *See* Dkt. 1.

- (b) Class certification. On September 26, 2012, this Court certified a plaintiff class consisting of all youths who now are, and/or in the future will be, confined by the DJJ, and of a sub-class consisting of class members with special education needs. *See* Dkt. 12-13, 17.

- (c) Consent decree. On December 6, 2012, this Court entered and approved a consent decree and appointed three experts. *See* Dkt. 32-34. The consent decree required the court-appointed experts to investigate DJJ conditions and services, and then to file a report of their findings and recommendations. *See* Dkt. 33 at ¶¶ 6, 10-11. The court-appointed experts are Louis Kraus on mental health issues, Peter Leone on education issues, and Barry Krisberg on general juvenile justice issues. *Id.* at ¶ 7. Next, the consent decree required the parties, with expert input, to prepare and file either an agreed proposed remedial plan, or separate proposed remedial plans from each party.

Id. at ¶¶ 12-15. The consent decree then required this Court, subject to its review and approval, to enter the final remedial plan as a new order. *Id.* at ¶ 16.

(d) Expert reports. On September 23, 2013, the parties filed the reports of the court-appointed experts, including their findings and recommendations. *See* Dkt. 51.

(e) Remedial plan. On April 7, 2014, this Court entered and approved a remedial plan. *See* Dkt. 73. Among other things, it requires the establishment of certain staffing levels, and their adoption in a supplemental order.

2. PLRA findings and stipulations. The Court finds, based among other reasons on the reports of the court-appointed experts, and the parties stipulate that this supplemental order complies in all respects with the Prison Litigation Reform Act (“PLRA”), 18 U.S.C. § 3626(a). Specifically, the terms of this supplemental order are narrowly drawn; they extend no further than necessary to correct the violation of the federal rights of the plaintiffs, the plaintiff class, and the plaintiff sub-class; and they are the least restrictive means necessary to correct the violation. The court has given substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the terms of this supplemental order.

PART II: STAFFING LEVELS

3. Staffing levels for non-teacher education staff. By deadlines specified below, DJJ shall achieve and maintain the following minimum staffing levels, subject to future modification based upon significant changes in population at the designated IYC facilities as set forth in (e) below :

(a) On or before March 7, 2015, a full-time Library Associate at each of four DJJ facilities (IYC Chicago, IYC Harrisburg, IYC Kewanee, and IYC St. Charles), and a half-time Library Associate at each of two DJJ facilities (IYC Pere Marquette and IYC Warrenville).

(b) On or before July 7, 2015, two full-time school counselors at each of three DJJ facilities (IYC Harrisburg, IYC Kewanee, and IYC St. Charles); one full-time school counselor at each of two DJJ facilities (IYC Chicago and IYC Warrenville); and a half-time school counselor at one DJJ facility (IYC Pere Marquette). As set forth in paragraph III(3)(a) of the remedial plan, the school counselors’ responsibilities shall include timely obtaining youths’ prior school records, assessing credits needed for graduation, and monitoring implementation and compliance with youths’ Individualized Education Plans.

(c) On or before March 7, 2015, a full-time Office Associate to provide clerical and administrative support for the school district staff at each of four DJJ facilities (IYC Chicago, IYC Harrisburg, IYC Kewanee, and IYC St. Charles), and a half-time Office Associate to provide clerical and administrative support for the school district staff at at each of two DJJ facilities (IYC Pere Marquette and IYC Warrenville).

- (d) On or before April 7, 2015 a full-time special education instructional specialist at each of four DJJ facilities (IYC Chicago, IYC Harrisburg, IYC Kewanee, and IYC St. Charles), and a half-time special education instructional specialist at each of two DJJ facilities (IYC Pere Marquette and IYC Warrenville). As set forth in paragraph III(3)(b) of the remedial plan, the special education instructional specialists shall assist special education teachers.
 - (e) If there is a significant change in the number or special needs of youths at any of the DJJ facilities, the court-appointed monitors and the parties shall discuss whether to move this Court to adjust the foregoing education staffing levels, and either party may so move.
4. Staffing level for Youth and Family Specialists. DJJ shall achieve and maintain a staff-to-youth ratio for Youth and Family Specialists of an average of 20:1, at each of its IYC facilities, within one year of entry of this supplemental order. The court-appointed general juvenile justice expert, Dr. Krisberg, shall assess whether the Youth and Family Specialists are engaging in frequent, meaningful interactions with youths and facilitating effective rehabilitative services based on youths' individual needs, and shall report his findings to the parties within 18 months of entry of this supplemental order. Upon receipt of the findings, the court-appointed general juvenile justice expert and the parties shall discuss whether to move this Court to adjust the foregoing Youth and Family Specialist staffing ratio, and either party may so move.

IT IS SO STIPULATED AND AGREED:

For the plaintiffs:

By: */s/ Adam Schwartz*

Date: July 7, 2014

Adam Schwartz
Harvey Grossman
Benjamin S. Wolf
Lindsay Miller
Roger Baldwin Foundation of ACLU, Inc.
180 North Michigan Avenue, Suite 2300
Chicago, IL 60601
(312) 201-9740

Maja C. Eaton
Kevin M. Fee, Jr.
Joseph R. Dosch
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

For the defendant:

By: */s/ Michael T. Dierkes*

Date: July 7, 2014

Michael T. Dierkes
Marni M. Malowitz
Office of the Illinois Attorney General
General Law Bureau
100 West Randolph Street, 13th Floor
Chicago, IL 60601
(312) 814-3672

IT IS SO ORDERED:

By: 
United States District Court Judge

Date: July 17, 2014