

Illinois' Incarcerated Girls and LGBTQ Youth

In response to declining youth crime and a growing awareness that youth prisons are both harmful to society and ineffective at preventing crime, national rates of youth incarceration have declined in recent years. In Illinois, too, the overall rate of youth incarceration has dramatically decreased over the past several years, particularly for girls.¹

Recent Illinois Department of Juvenile Justice (IDJJ) admissions data, however, reveals a concerning trend. In the past year, while the number of boys admitted to IDJJ decreased 20%, the number of girls admitted to IDJJ facilities *increased* 81%.² Thus, although the number of girls at IDJJ facilities is small compared to that of boys—approximately 30 girls are incarcerated at a single secure facility, Illinois Youth Center-Warrenville (IYC-Warrenville or Warrenville), whereas 436 boys are spread across the five youth prisons in the state³—the increase in admissions of girls is alarming.

Currently, girls are being incarcerated in Illinois for less serious offenses and with less delinquency history than

boys, while little is known about the experience of LGBTQ youth in IDJJ.

Three data points about girls and LGBTQ youth in IDJJ custody are critical to consider:

- ❖ Most girls are not incarcerated for high-level felony offenses. Only 20% (6) of girls at DJJ are committed for Class 1, Class X, or murder charges. In contrast, 48.4% (211) of the boys currently incarcerated at IDJJ have been committed on Class 1 or higher charges.
- ❖ Girls have fewer encounters with law enforcement prior to incarceration. Girls at IDJJ have, on average, 2.5 previous arrests, compared to 6 prior arrests for boys.
- ❖ While IDJJ has not been able to obtain reliable data regarding the number of LGBTQ youth in its custody, national data indicates that such youth are overrepresented in the justice system (comprising 4–8% of the overall youth population, but 13% of detained youth).⁴

This report draws on IDJJ's institutional data and policies,

In This Issue:

- ❖ The number of girls admitted to IDJJ increased by 81% between FY17 and FY18, despite an overall decline in IDJJ admissions during this period
- ❖ 80% of incarcerated girls were adjudicated for a Class 2 felony or lower offense
- ❖ Every single girl in IDJJ custody has at least two mental health diagnoses and most have experienced significant trauma
- ❖ Illinois' community-based youth services, including mental health care, have suffered significant cuts and closures, which may be affecting girls' prison admission rates
- ❖ Evidence suggests that LGBTQ youth are significantly overrepresented in IDJJ, which struggles to maintain a supportive environment despite significant improvements

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discussions with youth and staff at Warrenville, and research regarding the incarceration of girls and LGBTQ youth, to describe the population of girls and LGBTQ at IDJJ and explore the root causes that may underlie the recent increase in their commitments.

Figure 1: Admissions of youth to IDJJ custody by fiscal year⁵

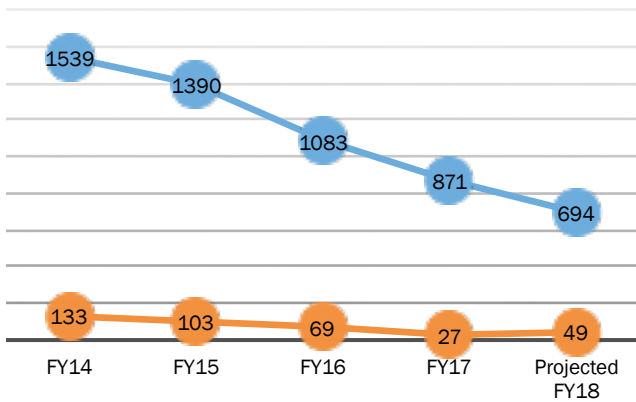


Figure 2: Percent change in IDJJ admissions by sex
% Change in Youth Admissions to IDJJ FY14-18

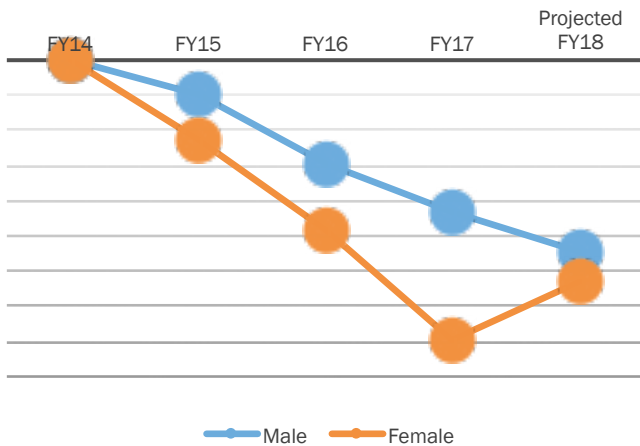
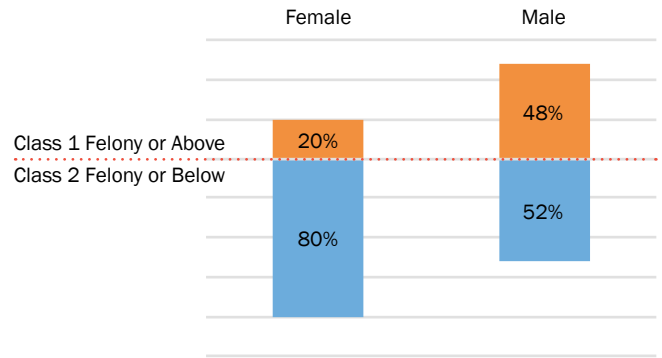


Table 1: IDJJ Youth Population by Offense Class, 2018⁶

	Female		Male	
	Number	Percent	Number	Percent
Class 1 Felony or Above	6	20%	211	48%
Class 2 Felony or Below	24	80%	225	52%

Incarcerated Youth by Sex and Offense Level (Proportion)



Although a few of the girls we spoke with were committed for very serious offenses (e.g., murder, armed robbery), the majority were committed for less serious offenses (e.g., battery), including several for nonviolent offenses (e.g., theft). One girl’s underlying charge was for stealing a tablet from a neighbor’s garage. Another girl’s mother used the family’s resources to buy drugs, and the daughter was committed after breaking into cars looking for money to buy food for herself and her siblings. While acknowledging her wrongdoing, this young woman remarked about how unbalanced her commitment was: *“They should have looked at my circumstances and put my mom in jail and then gave me a punishment as well, but not house arrest or DOC [referring to IDJJ]. I could have done a couple weeks in [detention], or probation or something. You know? They didn’t have to send me here.”*

Who Are the Girls and LGBTQ Youth in IDJJ Custody?

While recent years have seen an increase in scholarly attention on girls in the juvenile justice system, much still remains unknown about the unique needs of girls and the factors that drive them into the criminal justice system. For this report, staff and students from the Children and Family Justice Center visited Warrenville, interviewing 18 girls and 22 staff members.⁷ The Warrenville youth prison is located about an hour from Chicago and is the only facility in the state that houses girls—a significant number of whom identify as LGBTQ. Warrenville also houses a small number of boys who were transferred from other IYC locations after meeting certain IDJJ criteria.⁸

The girls who were interviewed ranged in age from 15 to 19 years old. Of the 18 girls interviewed, 11 were black, 4 were white, and 3 were Latinx. One third (6) were committed by Cook County or one of its “collar” counties (DuPage, Kane, Lake, McHenry, Will).

The 22 IYC staff members interviewed included program administrators, healthcare workers, psychologists, security staff, school staff, and the superintendent. Many staff members have worked at IYC-Warrenville for a long time—an average of fifteen years among those with whom we spoke—and have participated in the changes to IDJJ that took place after it became independent from the Illinois Department of Corrections.

Interviews and IDJJ data reveal the following demographic information about girls and LGBTQ youth in custody:

- ❖ **Age:** A higher percentage of the girls are 16 or under (46.7%) as compared with the boys (39.2%), although the average age of girls is about the same as boys (17 years).
- ❖ **Race:** The girls in IDJJ are slightly more likely to be white (23.3%) or biracial (6.7%) compared with boys, (17.9% white and 3.9% biracial). A lower percentage of girls are black (56.7%) than boys (67.2%), although African-American youth are still grossly overrepresented across both genders.
- ❖ **Gender Identity:** There are currently no youth at who have formally identified as having a gender other than the sex assigned at birth. Those who do may be housed according to their gender identity under IDJJ policy, which has occurred twice system-wide in recent years.
- ❖ **Sexual Orientation:** The most recent federal Prison Rape Elimination Act (PREA) report indicates *no* youth incarcerated at Warrenville who formally self-identified as LGBTQ during intake.⁹ However, unofficial staff estimates indicate up to 70% of the girls may be LBQ and studies estimate 40% to 60% of girls in juvenile facilities nationwide identify as LBQ.¹⁰ While boys may be less likely to outwardly

identify as GBQ both nationally¹¹ and, anecdotally, in Illinois,¹² national data suggests sexual minority boys are also overrepresented in the juvenile system.¹³

- ❖ **Abuse and Neglect:** 12.5% of the girls were in the foster care system prior to their commitment at Warrenville, compared to 7% of boys.
- ❖ **Mental Health Needs:** 100% of girls have at least two psychiatric diagnoses. 83.3% of girls have four or more diagnoses, compared to 32.8% of boys.
- ❖ **Trauma:** Consistent with national data on the trauma experienced by girls and women who enter the prison system, 36.7% of girls in IDJJ versus 24.6% of boys have been diagnosed with a disorder related to trauma.
- ❖ **Substance Abuse:** Girls and boys are diagnosed with a substance abuse disorder at nearly the same rate—60% of girls and 59% of boys qualified for substance abuse treatment upon admission.
- ❖ **Education:** A higher percentage of boys (31.4%) than girls (13.3%) have diagnosed special education needs.
- ❖ **Children:** Approximately the same percentage of girls (6.7%) and boys (7.8%) are parents; at least two girls incarcerated were pregnant and planning to parent at the time of our interviews.
- ❖ **Recidivism:** Recidivism rates for new offenses are lower for girls. Girls are significantly more likely to be incarcerated under new commitments (73.3%) than boys (61.9%).
- ❖ **Discipline:** Girls receive significantly more disciplinary tickets on average (6.3/month) than boys (2.3/month).

Estimating Incarceration of LGBTQ Youth

Illinois’ incarcerated girls are disproportionately lesbian, gay, or bisexual (LBQ) relative to the general teenage population—staff observe, “*when it was just girls [at Warrenville], it was almost everyone, now it’s 70% of the girls [who are lesbian or bisexual]. . . . They rarely identify as lesbian, just 10%, but you get probably another*

30% that say bisexual.” These observations accord with national research showing that lesbian, gay, bisexual, transgender, and queer (LGBTQ) identified young people are two to three times more likely than their straight peers to have been detained for a year or more.¹⁴ Sexual minority and transgender youth are also more likely to be incarcerated for status offenses than their straight and cisgender peers;¹⁵ while Illinois youth cannot be committed to IDJJ for a status offense alone, they may be incarcerated as a result of a status offense committed while on probation.

Further complicating the picture, the available data for Illinois show many young people in juvenile prisons may not self-identify as LGBTQ upon intake.¹⁶ Indeed, review of the most recent federal Prison Rape Elimination Act (PREA) audit for each facility, reported in 2016–2017, reveals that only one youth at one facility (out of over 400 total population at the time of audit), self-identified as lesbian, gay, bisexual, transgender, or intersex—a rate of only 0.3%.¹⁷ It may be that LGBTQ youth feel as though self-identification would cause them to be targeted for harassment or violence by youth or staff, or that they fear they may be treated negatively and differently.¹⁸ But this phenomenon, too, appears to play out differently according to gender; other data show girls in juvenile detention facilities are disproportionately LGBQ, while boys are disproportionately straight-identified.¹⁹ **Gay and bisexual boys may be especially reticent to identify as such because they are more likely to be victimized in custody than straight boys.**²⁰ One programming and service staff member commented, “*boys hide their sexuality if it isn’t the norm, if a boy is called gay, they’re ready to fight.*” Another programming and services staff member commented, “*the LGBTQ population with girls is open and honest—there’s no negative stigma, it is accepted by staff and kids.*” The result is that the known LGBTQ population in IDJJ is the girl population—including cis girls, trans girls, and gender nonconforming girls.

Therefore, the story of LGBTQ youth incarcerated in Illinois is primarily a story about girls. While

a portion of the data on girls’ sexual orientation may reflect girls who have identified only as “gay for the stay,”²¹ such experiences are by no means the only story. Studies examining pretrial detention, incarceration, and probation and supervision establish that LBQ girls are disproportionately represented throughout the juvenile justice system.²² Almost 60% of girls in one study of incarcerated youth identified as LBQ or not entirely straight.²³

What is Driving Girls’ Incarceration in Illinois?

In Illinois, though it is too early to say exactly what forces are driving up the recent increase in the number of incarcerated girls, Warrenville staff believe a lack of community resources may be part of the problem. Because incarceration should be a last resort for youth—Illinois law mandates that courts explore every possible alternative prior to incarceration²⁴—the fact that girls are incarcerated for lesser offenses and after an average of only two prior arrests indeed suggests a lack of available alternatives throughout the state. As one staff member remarked, “*I thought counties would keep them out of DJJ longer with more resources...counties are running out of resources [and] then send them to DJJ now.*”

Two additional facts also support this theory: significant budget cuts made in recent years defunded community alternatives,²⁵ and a majority of girls in IDJJ custody come from the counties outside of the metro Chicago area, which have been least able to compensate for those cuts. Although downstate (non-Cook-and-collar) counties account only 33.4% of the state’s youth population, they account for 73.3% of the girls incarcerated at IDJJ (see Table 2). Specifically, budget cuts in recent years have reduced home support services for mothers and families, child-care assistance, and domestic violence services—all services that especially affect women and children.²⁶ Many of the girls at Warrenville have experienced sexual violence and are thus among those who suffer most from the absence of appropriate community services to address that trauma. Additionally, the budget stalemate in Illinois has exacerbated the lack of mental

health services in the state.²⁷ Given that every single girl in IDJJ custody (as of March 31, 2018) has at least two mental health diagnoses—and that a majority of girls have at least four—the lack of community services to treat mental health needs may be impacting young women even more significantly than young men.

Table 2: Geographic Distribution of Youth and IDJJ Population by Sex²⁸

Committing Counties	Percent of Youth in Community	Percent Female Youth at IDJJ	Percent Male Youth at IDJJ
Cook & Collar Counties	66.6%	26.7%	37.9%
Downstate Counties	33.4%	73.3%	62.1%

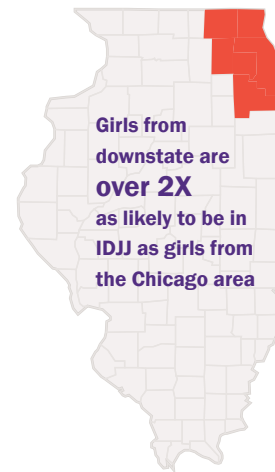
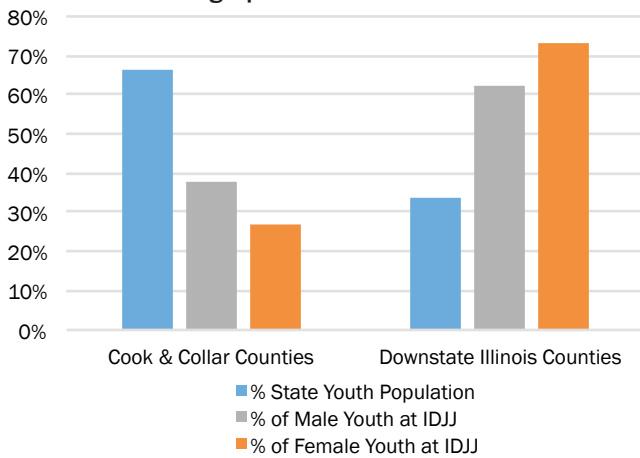
Limited community resources may also have a heightened impact on girls as a result of attitudes, prevalent within the justice system, that lead system players to intervene in girls’ lives more often, more easily, and more extensively. In other words, the lack of community resources may be impacting girls’ incarceration not only

We don’t get many from Chicago anymore because there are non-profits or outside activities there. DeKalb and Peoria don’t have these, so we get more kids from there.

- Staff

black girls need less nurturing and support than white children and that black girls are seen are more culpable for their actions.³¹ In the context of the juvenile justice system, this perception may translate into harsher punishment and fewer diversion services being offered prior to incarceration.³² For example, a number of girls at Warrenville reported running away from home at some point in their lives, which played a significant role in IDJJ commitment for several. Perceptions of black girls as more adult-like may make judges or probation officers more likely to interpret running away as a criminal act (often documented as “escape”) rather than as a status offense or a harm-avoidant or survival behavior.

Geographic Distributions of Youth



because many girls truly need more services but because judges and probation/parole officers may be more inclined to order services for girls even when not strictly required. For example, a study on probation officers in Arizona found that officers perceived girls as whiny, promiscuous, or untruthful and attributed those traits to the girls’ personalities, rather than to social contexts like poverty or sexual abuse.²⁹ Such attributions are consistent with a study finding that adults view black girls as “less innocent and more adult-like” than their white counterparts, which the study calls “adultification.”³⁰ As a result, adults believe

One girl, who ran away from home confinement and was subsequently committed, recalled how both the judge and her own lawyer in her case felt that her sentence was “protective”: “I don’t think I should be here. They were worried about my safety. They thought if I don’t get locked up I would run away again—but I don’t think I should be locked up for a year. Over me running away. That does not make any sense to me.”

A PARENT, A MOTHER, SINGLE MOTHER, came to court to say, “my daughter is running wild. She is 14; we’ve got to do something.” Very nebulous set of facts, but she was really concerned. She submitted to a child welfare case because, in those days, creating child welfare cases was the only way to access services. The girl continued running away from home, no one could stop it, or at least no one did. She started running around with some older boys, in gangs.

The mother and her sister, mother and aunt, were always in court, were always wanting something done, were always supportive in the sense of “I want to do something,” but somehow never carried through with what we attempted to do. And I found that danger was the important thing in this girl’s life, danger because she runs away for a week, two weeks; she’s hanging out with these gang-involved kids. And I knew them; I knew the boys because they had been in court previously. As time passed, she was charged with petty crimes and, eventually, with hiding a pistol for someone. So I sent this girl to prison.

She was gone for a while, she came back, and she was worse, not better. And we went through a bad cycle, where she was in and out of court and detention because of probation violations - for a period of three or four years.

That paternalism in male court judges towards girls was very real then. And seemed very real for me, in the sense that I had to do all I could to prevent serious harm to this teenage girl. I did not make her life better, and I didn’t know what I could have done because I think that her mom was really struggling with mental health issues herself. Mental health care, family therapy, parenting support, services for runaways in crisis – these really weren’t available outside of court and still aren’t very available even through court services, especially in our part of the state. You know, I couldn’t ever get the backstory of that girl’s life because the family had recently moved to the town in which I was holding court. I could never get to the bottom of what had happened in the family, could never find the dad, it was very frustrating. And my frustration led to a very negative response and, on the one hand, I am eternally sorry for that.

On the other hand, it’s one of the things that motivated me to say this is all screwed up. There’s got to be something different - and it’s the system, not just something for me personally. This system is not conducive to positive outcomes for kids who get caught in it.

- Judge George W. Timberlake (retired)
Chair, Illinois Juvenile Justice Commission

Community Failures

Nearly every girl we interviewed at Warrenville expressed some need for community support that went unmet, including better engagement and support at school, mental health treatment, therapy, a stable and safe home environment, and positive youth activities. These are precisely the needs that research shows can and should be addressed in the community before the state resorts to incarcerating youth.

Mental Health & Trauma

Although girls sent to Illinois youth prisons have a high concentration of mental health

diagnoses, the fact that they were not committed to a hospital or mental health care facility ordinarily means that counseling and treatment can be delivered in a community setting. Protective attitudes described in a previous section may contribute to some degree of overidentification of mental health issues. Further, the high rates of mental health needs for girls is partially due to higher rates of trauma-and stressor-related disorders (about 50% more girls than boys have a trauma, stressor, or adjustment disorder), which experts attribute to higher rates of sexual violence and trauma experienced prior to incarceration.³³

At Warrenville, nearly every staff member specifically mentioned trauma; as one staff member explained, the girls *“have all experienced trauma of some kind; exploitation by male family members; sexual abuse at the hands of a family member; physical abuse; poverty stricken families; not attending a good school; not living in a safe neighborhood. And so most charges are aggravated battery—fighting in school, fighting teachers.”*³⁴

Although research has found that LGBTQ youth are also more likely to have suffered childhood physical or sexual abuse,³⁵ it may be that the rates of post-abuse trauma and related mental health issues for all of the girls at Warrenville are so high that this distinction is harder to discern in practice. Staff noted that with the LGB girls, *“you sometimes see early trauma by men, but that is common with all women so it’s not a real pattern here.”*

Housing and Family Instability

Many girls at Warrenville experienced housing instability because they were removed from their homes or because their families lacked necessary resources. According to IDJJ’s data, incarcerated girls in Illinois were under DCFS care prior to incarceration at nearly double the rate of boys—7% of boys were in DCFS custody compared to 12.5% of girls.³⁶ This disparity aligns with national trends, which identify higher rates of girls in the “crossover” population of youth involved both the child welfare and the juvenile justice systems—nationally, girls make up 37% of crossover youth but only 21% of all delinquent youth.³⁷ Involvement in the child welfare system is associated with behaviors that often lead to justice system involvement, such as running away or substance abuse to cope with residential instability and the constant challenge of adapting to new school and home environments as a result, as well as disruptions to developing a consistent positive relationship with a caring adult.

Girls living with family also experienced home instability if their families were not able to provide for basic needs or if they had to run away to avoid abuse at home. And, for some of the girls at Warrenville, involvement in the justice

system only exacerbated housing instability. Home confinement in particular may be a disproportionately difficult sanction as applied to girls, due to higher rates of abuse or neglect inside the home. Yet while living on the couches of friends or boyfriends, the girls’ education, family relationships, and safety were further jeopardized. One girl who described not getting enough to eat at home, committed a petty theft and ran away for nearly a year after charges were pressed against her. Regarding running away, she said, *“I was trying to get away from the rules and confinement. Some really, really bad stuff happened when I was gone.”*

Warrenville staff also noted that some LBQ girls and gender nonconforming youth in their custody had families that did not accept their sexual or gender identities, presenting a challenge in family support and visitation. One services-providing staff member explained, *“there are issues with families and acceptance—some families are not accepting—they are accepted at our facility but they don’t want to talk to family about it. That’s hard because therapy is supportive but families are not. There’s no pattern with families who do or do not accept kids’ identity.”* This is not out of the ordinary for incarcerated LGBTQ youth.³⁸

School

Many of the girls at Warrenville reported being disengaged from school. For a significant number, their disengagement was a result of suspensions or expulsions which forced them to attend inadequate alternative schools, which one youth described as *“feeling like a prison.”* Some reported that their suspensions were a result of fighting in school. Experts on childhood trauma have found that traumatized youth may fight in school because trauma disrupts a child’s ability to regulate her emotions, and youth may be acting out on the pain of their trauma.³⁹ Some did not attend school because they had run away from home, or because they had caretaking and financial responsibilities at home. One youth reported simply having no transportation to her assigned alternative school, which, unlike neighborhood schools, may be quite a distance from a child’s home. In addition, due to hostile

school environments, LGBTQ youth are more likely than other teens to skip school and fall behind, placing them at risk for juvenile adjudication and incarceration.⁴⁰

The Capacity of IDJJ to Address Gender and Orientation-Specific Needs

Warrenville staff overwhelmingly recognized that many of the girls in their care need individual and family therapy, mental health treatment, substance abuse treatment, mentorship, and love. Several programs at Warrenville are intended to address those needs, including trauma therapy programs like SPARCS and DBT.⁴¹

We are able to cater to the needs of the youth because we are small. I think the larger facilities have a disadvantage in this regard. The smaller population is the biggest [advantage]. Now I have 11 kids on my case load versus the 30 I used to have—now that I see what I can do for 11 kids, I think how much more I can help them.

- Staff

Warrenville staff and youth indicated that the healthy communication between girls and staff was one of the most important aspects of Warrenville’s environment for supporting the girls and addressing their trauma effectively. Multiple staff members at Warrenville attributed their ability to address the needs of the girls, by getting to know each of them personally and better monitor them, to the smaller size and population of Warrenville compared to other IDJJ facilities around the state.⁴²

The greatest tool that we have here is forming positive relationships with the girls, and I truly believe that is how we hook them into recovery, is getting them to trust us, so that we can teach them the coping skills that they need to recover.

- Staff

Notably, many girls reported they have a staff member they can trust and talk to. One girl reported that one staff member “*knows how*

to de-escalate me and tell me the right things to keep me on track and going throughout the day” and another girl reported that “*when you’re upset and they pull you aside, they listen to understand you and they help you understand yourself, they relate with your life and give you advice. They know your experience first-hand. The fact that they have on a badge shows that they got out, and you can too, and it is encouraging.*” Staff also reported that they are proud of the relationships that they can build with the girls, especially because they noted that the girls in particular want positive relationships with adults.

Yet despite well-intentioned efforts by staff to address the needs of the youth at Warrenville, the prison setting means that girls from across the state develop constructive relationships with staff inside one single town, not adults in their home communities where those relationships are most needed upon release, and that families are largely excluded from playing a role in their children’s lives. Youth and staff alike often expressed the feeling that Warrenville does not, and cannot, give youth the tools and resources to truly be successful upon release. Moreover, incarceration is itself a traumatic experience for young people and can exacerbate existing trauma for many youth.

Lack of Family Contact and Participation

Because Warrenville is the only facility for girls in the state, the average distance families must travel is farther and the girls average less than one family contact visit each month.⁴³ This rate is consistent with other Illinois youth prisons located far from youths’ home counties. The boys incarcerated at the youth prison in Chicago are able to receive nearly double the amount of family visits.⁴⁴ Many parents lack the resources—money, transportation, and time—to frequently travel across the state. Some families cannot visit because they cannot take off work or they have care-taking responsibilities to other children in the family. One staff member noted that because of these barriers, “*family visits do not occur enough.*”

The fact that I'm away from my family, that's what makes me have a bad day.

- Youth

Warrenville staff take steps to involve caregivers. A staff member responsible for maintaining family engagement holds monthly staffing meetings in which staff can report to parents about their child's progress over the phone. Therapists often involve parents in family therapy sessions over the phone. These efforts on the part of Warrenville staff demonstrate the important role family plays in a teenager's development, progress, and healing. Still, youth are deprived of the opportunity to put therapy into action in their home and with their families—in this way, incarceration significantly limits the benefits therapy can provide.

Challenges Returning to the Community

Many girls expressed concerns that Warrenville was not preparing them to be successful once they returned home. Some knew that they would face the same challenges in the community that they experienced prior to incarceration, such as having friends and family members with substance abuse issues or gang affiliations. One girl said that *"there needs to be a facility for kids to go after they are released or need to be assigned a mentor to hang out with. Because the real challenge is everything outside that gate. Because everything you ran from is coming right back to you."*

Some girls believed being placed in the community, with support, was the way to help them become successful after court intervention. One girl requested, *"teach us how to be normal citizens on the outside. Because here it's not normal. I think having a work release thing would be good. I'm pretty sure that would help you be a little more successful on the outside."*

Some staff members at Warrenville expressed similar concerns. For example, when asked what Warrenville could improve upon, one staff member said, *"preparing kids for real life outside here. This is vacation or day camp—this is stepping stone to go onto to adult [prison] because we aren't setting them up for*

success." Another staff member lamented how the environment at home is often the cause of recidivism, stating *"they leave and go back to the same environment, it's just very easy to pick up the same thing that they've done—they may set goals and have new coping skills, but it seems like once they get back into the environment, it just kind of takes over . . ."* Thus, although the staff at Warrenville *"is going above and beyond – the staff and administration that really care about the kids,"* there are structural limits to the rehabilitation that a secure facility outside of a youth's home community is able to accomplish.

Lack of Activities and Autonomy

Warrenville offers significantly more access to extracurricular programming for youth than most IDJJ prisons, including the Storycatchers theater program and a number of religious programming activities through faith-based community partners. Most girls at Warrenville are out of their cells for the entire day. However, many of the girls we interviewed asked for more programming activities, including vocational and physical education opportunities, and college counseling. Additionally, the programs that are offered are available only to the youth with good behavior, resulting in less engagement of youth with behavioral issues. One youth noted that there isn't enough to do during down time, and that *"nobody wants to just watch movies and play cards."* The girls at Warrenville want opportunities for constructive activities and self-development that are better suited for a community-based setting than a youth prison.

Lack of LGBTQ Youth Support

IDJJ has policies in place to "maintain and promote an environment that provides physical and emotional safety, and effective and culturally competent services and programming, to all youth regardless of their actual or perceived sexual orientation, gender identity, and/or gender expression."⁴⁵

IDJJ directives require LGBTQ youth to have access to the same programming as other youth,⁴⁶ and Warrenville has "[three] LGBTQ advocates . . . with specialized training to be the point person for staff and kids." Yet Warrenville

does not have any LGBTQ-specific programming; there is no regular, specific group support for LGBTQ teens. There is, however, a relative wealth of religious programming—no fewer than 10 of Warrenville’s 15 community partners are religious organizations.⁴⁷ The presence of such a wide array of outside programming for youth is laudable, but there remains an imbalance in the types of outside programming offered.

Programming staff mentioned that, in the absence of group LGBTQ supports, staff try to discuss sexuality and gender issues with youth one-on-one:

The kids are very uneducated about it. Sometimes they identify gay or bisexual, have difficulty explaining that. We have [staff] LGBT committees if we recognize that they’re part of the community, sometimes they don’t know what that means, they might identify them as transgender—no one’s been there to educate. I think we do a very good job being open with it, but I think we do our best one-on-one to educate if we have it on our caseloads.

Training and need for greater sensitivity

Warrenville does not require transgirls to be housed with boys, a significant improvement over practice at many other youth prisons in the U.S.⁴⁸ Indeed, the most recent federal audit said that Warrenville exceeded standards for housing and program placement of LGBTI and GNC youth.⁴⁹ Staff at Warrenville received earlier and increased training on LGBTQ issues than staff at other facilities, and youth have proportionately better access to LGBTQ-trained staff than at other IDJJ locations (see chart).

Numerous Warrenville staff discussed the training they received in how to handle incarcerated LGBTQ youth. One staff member explained that before the first trans youth came to Warrenville, *“we did training, talked about it in roll call, did research, and had an outside consultant.”* Another added that the initial training for transgender youth included *“having a trainer come to discuss LGBTQ [issues],*

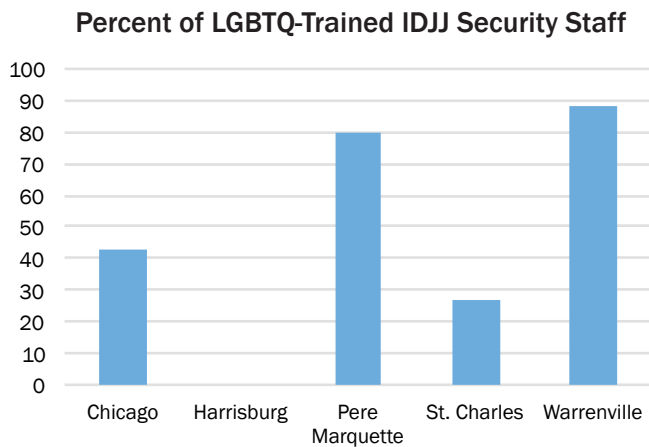
using proper pronouns, commissary items and undergarments, beauty products, preferred haircuts, and makeup.” Per staff, IDJJ’s LGBTQ training touches on *“pronouns, the definition of LGBTQI, the difference between gender identity and gender and sexuality and attraction, how language is important, the struggles of being LGBTQI compared to heterosexual people who don’t even think about it, and just raising awareness, being honest and asking the right questions so it doesn’t get ignored.”*

Another service and programming staff member who had worked at Warrenville for years noted about gender expression of the imprisoned youth: *“Things have changed. People are more accepting now than before. It’s more normal now, people used to say ‘that’s a guy,’ but now because they have that training, [they don’t say] ‘this person just looking for attention,’ or ‘they don’t know what they want to be.’ [It] comes with more understanding now.”* Yet one staff member expressed the need for additional, and ongoing, training, *“There’s so much that we don’t know.”*

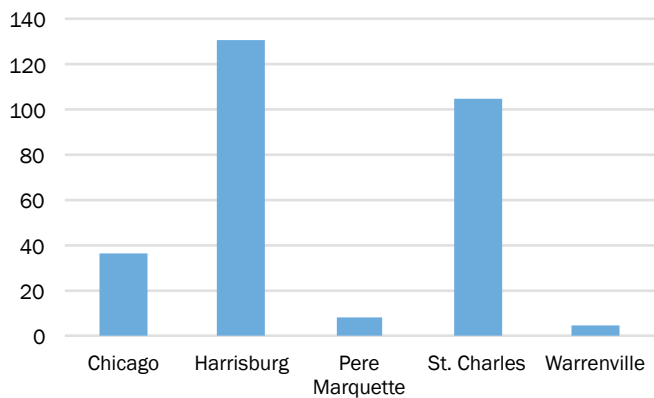
Remaining competency gaps, especially for gender identity, were apparent in both language (multiple staff describing youth as “a transgender”) and process descriptions (“we had two males who identified as females, and basically if they claim that, they go to a committee who determines whether it’s true”). Even with training, some staff are still resistant to the policies. *“We had to go through changes and accept it and move on; some staff struggled to accept this.”*

In sharp contrast to Warrenville, the two male intake facilities, IYC-St. Charles and IYC-Harrisburg, had little to no recorded staff training in LGBTQ issues at the time of the most recent report by a federal litigation monitor.

Analysis of Security Staff Training by Facility⁵⁰



Number of Youth Supervised by Non-LGBTQ-trained IDJJ Security Staff (Proportionate)



Health and Safety Concerns

IDJJ provides youth in its custody with basic medical, vision, and dental care, with specialist services contracted through outside providers. At Warrenville, girls are screened for STIs upon intake, and if they are pregnant, they are provided with outside prenatal care and/or abortion counseling according to their preference.⁵¹ IDJJ provides the morning-after pill and post-exposure prophylaxis medication in the case of sexual assault. However, one medical staff member stated that girls are not provided with birth control unless it is indicated for other health problems. Therefore, even girls who were already on hormonal birth control prior to their commitment may have this medication discontinued for the period of their incarceration, increasing the risk of unplanned pregnancy upon release.⁵²

Most youth and staff reported that they did not fear for their safety at Warrenville; several explicitly cited conflict resolution procedures and forging and maintaining healthy relationships as factors in promoting institutional safety. However, a few youth did share concerns, including one pregnant youth’s concern over labor and delivery, access to quality prenatal care, and the ability to avoid injuries to her baby while in utero. Several girls were troubled about having to walk through an often-used suicide watch area every time they entered or left their housing unit (due to an unrepaired exit door); it was clearly distressing to the girls to have to encounter another girl naked and in crisis and some worried they would accidentally witness violence or self-harm.⁵³

Indeed, some of the girls we interviewed remarked on what a negative effect incarceration at IDJJ had on them, regardless of the intentions of the sentencing court. One said, *“being around negative kids is not going to help at all.”* Indeed, several remarked at how hard it was to avoid being bullied by the other youth at the facility. One said, one explained that she was “miserable” at Warrenville: *“All the girls want to do is fight and bully and start drama. They’re mean. I mean I know this this prison but I never expected them to be this bad. I mean we’re 15, 16, 17—but how can you be that mean? These girls are just horrible. When I first got here they made me pay rent. They would make you buy stuff from commissary, take stuff out your room. I got hit in the head by a book, got my stuff stolen from me, food stolen from me. This place is miserable.”*

Finally, the situation for GBQ boys is troubling. The absence of one single “out” male teen among 430 boys in five IDJJ prisons likely indicates a lack of perceived safety and support. This may be particularly acute in the two large male intake facilities (IYC-St. Charles and IYC-Harrisburg), where LGBTQ-trained staff are most difficult to access. Although incarcerated boys are less likely than girls to discuss any non-heterosexual identity, conservative national estimates specific to boys in lockups (~3%) indicate that over one

dozen incarcerated male teens may be presumed to be impacted. The lack of affirming group programming to discuss gender, orientation, and identity issues may impede mental health and safety concerns for both male and female LGBTQ youth.

Conclusion

Data, research, and observations about the incarceration of girls and LGBTQ youth in Illinois provide further proof of the devastating impact of cutting community programs, played out in the lives of some of the state's most vulnerable young people. For this population, access to trauma care, mental health services, crisis housing, and safe and supportive school environments are particularly important for preventing both delinquency and commitments of youth to IDJJ. IYC-Warrenville's smaller size, therapeutic approach, open approach to change, and attention to inclusivity illustrate the safety benefits and strengths of a relationship-driven approach to youth supervision. At the same time, rigid prison agency legacy practices, distance from youth communities, lack of family access and (though more robust than most IDJJ locations) limited opportunities for community-based programming and relationship-building illustrate the limits of the youth prison setting.

Acknowledgements

Because little attention has been given to the unique factors contributing to the incarceration of girls and LGBTQ youth, the stories and insights we received through staff and youth interviews were critical to this issue.

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- 1 See fig.2, *infra*.
- 2 See fig.1; *infra* note 5.
- 3 See ILL. DEP'T JUVENILE JUSTICE, DEMOGRAPHIC DATA (March 31, 2018) (on file with authors).
- 4 KATAYOON MAJD ET AL., LEGAL SERVICES FOR CHILDREN, NAT'L JUVENILE DEFENDER CTR., & NAT'L CTR. FOR LESBIAN RIGHTS, HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 44 (2009), http://www.nclrights.org/wp-content/uploads/2014/06/hidden_injustice.pdf.
- 5 Fiscal Year 2018 (FY18) admissions were projected based on actual admissions for the first ten months of the fiscal year (595 male and 42 female admissions from July 1, 2017 through April 30, 2018) and adding 16.67% to account for proportionate admissions in May–June 2018. See ILL. DEP'T JUVENILE JUSTICE, *supra* note 3.
- 6 *Id.*
- 7 The interviews with youth and staff took place on two separate days in spring 2018. They were conducted individually, in private rooms in the administrative wing at Warrenville. IDJJ did not permit audio-recording but notes were taken contemporaneously, and quotations reproduced in this report were transcribed as closely as possible, and have been edited for clarity where necessary. The interviews were conducted using a semi-structured interview guide for a duration of 15–60 minutes. All youth and staff were informed that their participation was entirely voluntary, that they could refuse to answer any questions and that when quoting them, their names would not be used to protect their confidentiality.
- 8 While the official IDJJ criteria for transfer were not known to us, our interviews with boys and staff at suggested that good behavior, young age, and small body size were factors for transfer of male youth from the other four prisons to Warrenville.
- 9 SHARON G. ROBERTSON, FINAL PREA AUDIT REPORT JUNE 2017—IYC-WARRENVILLE (2017), <https://www2.illinois.gov/idjj/Documents/2017%20Illinois%20Department%20of%20Juvenile%20Justice%20PREA%20Audit%20Report-IYC%20Warrenville.pdf>. However, it is important to note that federal guidelines require juvenile facilities to gather formal information about youth gender identity and sexual orientation during the youth's first 72 hours after admission and while conducting a sexual vulnerability/threat assessment. UNITED STATES DEPARTMENT OF JUSTICE, PRISON RAPE ELIMINATION ACT JUVENILE FACILITY STANDARDS, 28 C.F.R. Part 115 (May 17, 2012), <https://www.prearesourcecenter.org/sites/default/files/content/preafinalstandardstype-juveniles.pdf>. Gender and orientation information recorded during the intake process is not only collected in the context of “risk/threat,” it is done when youth are still unfamiliar with a) the level of overall institutional safety, b) which forms of gender or orientation expression might be prohibited by prison regulations (youth are simultaneously informed of “zero tolerance” policies for sexual harassment), or c) opinions held by staff or other youth opinions about LGBTQ issues. Likely as a result of the way in which this information is sought and collected, fewer than 0.3% of youth at all IDJJ facilities of any sex are formally recorded as LGBTQ. These demographics are not usually updated after intake.
- 10 Wilson et al., *Disproportionality and Disparities Among Sexual Minority Youth in Custody*, 46 J. YOUTH & ADOLESCENCE 1547, 1551 (2017). See also CTR. AM. PROGRESS ET AL., UNJUST: LGBTQ YOUTH INCARCERATED IN THE JUVENILE JUSTICE SYSTEM 1 (2017) <https://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf> (finding that “that nearly 40% of incarcerated girls identify as LGB”).
- 11 Wilson et al., *supra* note 10, at 1553–54.
- 12 This is borne out by staff observations that “boys are almost all heterosexual.” As one staff member said, “boys as gay is swept [under the rug], we’ve suspected a couple, but no one has come out.”
- 13 MAJD et al., *supra* note 4, at 94 (citing study finding of detained youth, “11 percent of boys and 23 percent of girls were ‘not straight’”).
- 14 Wilson et al., *supra* note 10, at 1547. See also CTR. AM. PROGRESS ET AL., *supra* note 10, at 1 (“LGBTQ and gender non-conforming youth are overrepresented in juvenile detention and correctional facilities in the juvenile system”). Additional research shows that LGBT youth are significantly overrepresented in the juvenile justice system: LGBT youth represent 5–7% of the nation's overall youth population, but they compose 13–15% of those currently in the juvenile justice system. Furthermore, LGBT youth are two times as likely to be detained for status offenses such as

running away or skipping school, and LGBT youth face higher risks of detention or residential placement for numerous reasons such as courts' perceiving a lack of family support for youth. *See supra* note 4 and accompanying text. The national data show that there is little to no correlation between race and LBQ identity amongst incarcerated youth, with the exception that Latina girls may be more likely than whites to identify as sexual minorities. Wilson et al., *supra* note 10, at 1553.

- 15 COAL. JUVENILE JUSTICE ET AL., *LGBTQ YOUTH AND STATUS OFFENSES: IMPROVING SYSTEM RESPONSES AND REDUCING DISPROPORTIONALITY 1*, <http://www.juvjustice.org/sites/default/files/resource-files/LGBTQ%20Youth%20Guidance%20FINAL.pdf> (“Lesbian, Gay, Bisexual, and Transgender youth are twice as likely as other youth to be sent to a juvenile detention facility for committing ‘status offenses’ such as truancy or running away from home.”).
- 16 *See* note 9, *supra*.
- 17 *See generally*, *Prevention of Sexual Victimization & Prison Rape Elimination Act*, ILL. DEP’T JUVENILE JUSTICE (last visited June 19, 2018), <https://www.illinois.gov/idjj/Pages/PrisonRapeEliminationAct.aspx> (providing links to all of the PREA facility reports). The 2017 PREA Audit Report for Warrenville indicated “no residents who had self-identified as being lesbian, bisexual, gay, transgender or intersex.” ROBERTSON, *supra* note 9, at 2.
- 18 “At the time of the December visit, the young transwoman was housed in a cottage by herself for safety purposes due to disciplinary misconduct involving other Warrenville girls.” JOHN HOWARD ASS’N, 2016 MONITORING VISITS TO IYC-WARRENVILLE 8 (2016), <http://www.thejha.org/sites/default/files/2016%20Warrenville%20Report.pdf>.
- 19 However, Illinois’ low number of girls in youth prison may skew these results. More data shows roughly 3% of boys and 39% of girls in youth prisons identify as LGB. MOVEMENT ADVANCEMENT PROJECT, *LGBTQ Youth Incarcerated in the Juvenile Justice System*, LGBTMAP.ORG (last visited June 19, 2018), <http://www.lgbtmap.org/file/lgbtq-incarcerated-youth-infographic.pdf>. This report did not evaluate the sexual orientation or gender identity data of Illinois’s other juvenile facilities, all of which house exclusively boys.
- 20 Wilson et al., *supra* note 10, at 1553–54. This is borne out by staff observations, “boys [are] almost all heterosexual.” “Boys as gay is swept [under the rug], we’ve suspected a couple but no one has come out.”
- 21 The term “gay for the stay” is commonly used among youth and even staff at juvenile facilities—repeating it here is not meant to be dismissive of girls’ sexuality but reflects the reality of staff and juveniles’ perceptions of girls’ fluid identities.
- 22 Wilson et al., *supra* note 10, at 1548.
- 23 Wilson et al., *supra* note 10, at 1551. *See also* CTR. AM. PROGRESS ET AL., *supra* note 10.
- 24 *See* 705 ILCS 405/5-750(1).
- 25 *See, e.g.*, PROGRESS ILLINOIS, *Citing Budget Impasse, Illinois Mental Health Care Providers to Cut Services* (June 21, 2016), <http://progressillinois.com/news/content/2016/06/21/citing-budget-impasse-illinois-behavioral-health-care-provider-cut-services> (listing crisis stabilization, mental health, and homelessness service cuts for youth). *See also* Melissa Heil, *ILLINOIS ATLAS OF AUSTERITY: CONSEQUENCES OF THE FY2016 BUDGET IMPASSE*, <http://www.illinoisausterityatlas.com/youth.html#sthash.A6RQvkna.dpbs> Need a good source for this. https://www.childrenshomeandaid.org/wp-content/uploads/2016/10/CCBYS-Budget-cuts-release_FNL-012516.pdf.
- 26 CHICAGO FOUND. WOMEN, *DAMAGE DONE: THE IMPACT OF THE ILLINOIS BUDGET STALEMATE ON WOMEN AND CHILDREN* (2017), <https://www.cfw.org/app/uploads/2017/08/Damage-Done-CFW-POLICY-PAPER-FINAL-8-2-17.pdf>.
- 27 ILL. MENTAL HEALTH OPPORTUNITIES FOR YOUTH DIVERSION TASK FORCE, *STEMMING THE TIDE: DIVERTING YOUTH WITH MENTAL HEALTH CONDITIONS FROM THE ILLINOIS JUVENILE JUSTICE SYSTEM* (2018), https://static1.squarespace.com/static/59653faf099c014ab2324724/t/5a96305a8165f59f6321bb4d/1519792221453/NAMI-4478+TaskForceDiversionReport_L3.pdf.
- 28 IDJJ population snapshot as of March 31, 2018. *See* ILL. DEP’T JUVENILE JUSTICE, *supra* note 3. The percent of youth overall in the community were calculated using 2010 population data of child population per county in Illinois. *See* ANNIE E. CASEY FOUND., *Child Population by County*, KIDS COUNT DATA CTR., <https://datacenter.kidscount.org/data/tables/7560-child-population-by-county?loc=15&loct=5#detailed/5/2190-2291/false/133,11,1/any/14695>.

- 29 FRANCINE T. SHERMAN & ANNIE BALCK, GENDER INJUSTICE: SYSTEM-LEVEL JUVENILE JUSTICE REFORMS FOR GIRLS (2015), http://nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf.
- 30 REBECCA EPSTEIN, JAMILIA J. BLAKE & THALIA GONZÁLEZ, GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS' CHILDHOOD (2017), <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf>. See also MONIQUE W. MORRIS, PUSHOUT: THE CRIMINALIZATION OF BLACK GIRLS IN SCHOOLS 35 (2016).
- 31 EPSTEIN, BLAKE & GONZÁLEZ, *supra* note 30, at 8.
- 32 *Id.* at 12–13.
- 33 SHERMAN & BALCK, *supra* note 29.
- 34 See also *id.* at 17.
- 35 OFFICE JUVENILE JUSTICE & DELINQUENCY PREVENTION, LITERATURE REVIEW: LGBTQ YOUTHS IN THE JUVENILE JUSTICE SYSTEM 3 (2014), <https://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsintheJuvenileJusticeSystem.pdf>.
- 36 See ILL. DEP'T JUVENILE JUSTICE, *supra* note 3.
- 37 See SHERMAN & BALCK, *supra* note 20, 15.
- 38 “Some incarcerated LGBTQ youth have had negative experiences with their families or may be cut off from their families entirely and do not receive any visitors during their confinement—further disconnecting them from a support system. At the same time, many young LGBTQ people are not ‘out’ to their parents but understand themselves to be LGBTQ.” CTR. AM. PROGRESS ET AL., *supra* note 10, at 7. Many LGBTQ youth also experienced violence at home upon coming out as LGBQ or trans or gender nonconforming—leading to homelessness and placement in foster care or other state programs. OFFICE JUVENILE JUSTICE & DELINQUENCY PREVENTION, *supra* note 35. The defense attorney specializing in serving transgender individuals also pointed out that large numbers of LGBTIA youth come from the DCFS system—some are placed into the state welfare system because supporting a child’s transition is seen as abuse, and once in DCFS “care” these trans and gender nonconforming (TGNC) young people are not provided gender affirming services. When TGNC DCFS wards act out their frustration at being denied such services, petty charges can result—trapping youth in the juvenile justice system.
- 39 Caroline Miller, *How Trauma Effects Kids in School*, CHILD MIND INST. (last visited June 19, 2018), <https://childmind.org/article/how-trauma-affects-kids-school>
- 40 See, e.g., *The School to Prison Pipeline: and the Pathways for LGBT Youth*, GAY-STRAIGHT ALLIANCE NETWORK (2011), <https://gsanetwork.org/files/resources/STPPdiagram.pdf>. These risks are higher for LGBTQ youth of color. See generally, H. Burdge et al., *LGBTQ Youth of Color: Discipline Disparities, School Push-Out, and the School-to-Prison Pipeline*, GAY-STRAIGHT ALLIANCE NETWORK (2014) https://gsanetwork.org/files/aboutus/LGBTQ_brief_FINAL-web.pdf.
- 41 SPARCS stands for Structured Psychotherapy for Adolescents Responding to Chronic Stress and is a trauma-focused therapy program administered at Warrenville. SPARCS takes place in a group therapy setting. See *SPARCS: Structured Psychotherapy for Adolescents Responding to Chronic Stress*, NAT’L CHILD TRAUMATIC STRESS NETWORK (last visited June 19, 2018), https://www.nctsn.org/sites/default/files/interventions/sparcs_fact_sheet.pdf. DBT stands for Dialectical Behavior Therapy, another cognitive behavioral intervention program used at Warrenville. See ILL. MODELS FOR CHANGE, REPORT ON THE BEHAVIORAL HEALTH PROGRAM FOR YOUTH COMMITTED TO ILLINOIS DEPARTMENT OF JUVENILE JUSTICE (2010), http://www.njjn.org/uploads/digital-library/Report-on-the-Behavioral-Health-Program-for-Youth-Committed-to-Illinois-Department-of-Juvenile-Justice_IL-Models-for-Change_7.10.pdf.
- 42 The average daily population at Warrenville is just 28 youth, which is less than any of the other youth prisons: Chicago (67), Harrisburg (126), Pere Marquette (36), St. Charles (138). *IDJJ Youth Centers*, ILL. DEP’T JUVENILE JUSTICE (last visited June 19, 2018), <https://www2.illinois.gov/idjj/Pages/Facilities.aspx>.
- 43 Youth at Warrenville had an average of .8 “non-professional” (not legal, DCFS, social worker, volunteer program) family/community visits per month during Calendar Year 2017. ILL. DEP’T JUVENILE JUSTICE, *supra* note 3.
- 44 Youth at Harrisburg received .3 visits/month; .6 visits/month at Pere Marquette; .9 visits/month at St. Charles and 1.5 visits/month at Chicago. *Id.*

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- 45 ILL. DEP'T JUVENILE JUSTICE ADMIN. DIRECTIVE 04.01.303.
- 46 “Employees and volunteers shall provide LGBTQI youth with access to educational, rehabilitative, recreational and other programming on the same basis as other youth. Youth shall not be denied access to programming because of actual or perceived sexual orientation, gender identity or gender expression.” *Id.*
- 47 ROBERTSON, *supra* note 9, at 5. The community partners include: Wheaton College (Bible study), St. Irene Catholic (religious services), St. John A.M.E. (religious services), Warrenville Bible Chapel (religious services), Elim Knitting (religious services), New Life Covenant (religious services), Resurrection Church (religious services), Warrenville Church of God (religious services), Grace Church of DuPage (religious services), New Name Women’s Ministry (religious services). Two partners provide a mix of religious and other services, the rest provide only religious services. *Id.*
- 48 In many youth prisons, “the reality is that placement decisions rarely take into account their gender identity or expression. Instead, LGBTQ youth are frequently placed in facilities according to the sex on their birth certificate or based on their genitalia.” CTR. AM. PROGRESS ET AL., *supra* note 10, at 4.
- 49 ROBERTSON, *supra* note 9, at 24, 27.
- 50 Kelly Dedel, *General Juvenile Justice Issues* (Monitor’s Report) (Dec. 7, 2017), ECF 225-1, filed in R.J. v. Mueller, Case No. 12-cv-07289 (N.D. Ill.).
- 51 According to one medical staff member, girls must pay for their abortions, should they elect to undergo the procedure, with their own money.
- 52 Incarcerated girls often encounter medical systems that do not center their needs. Jenny Gold, *Women’s Health in Juvenile Detention: How a System Designed for Boys Is Failing Girls*, ATLANTIC (November 28, 2012). While best practices for delivering adolescent gynecology and sexual health care in an incarceration setting are a recently developing area, the focus of the field is how to continue or increase, not discontinue, girls’ access to contraceptives, which is particularly important in settings where length of stay averages under a year. *See, e.g.*, Laura K. Grubb, et al, *A Contraception Quality Improvement Initiative with Detained Young Women: Counseling, Initiation, and Utilization*, JOURN. OF PEDIATRIC AND ADOLESCENT GYNECOLOGY (January 2018).
- 53 “Once concern I have, C wing is its own cottage, D is for behavior or suicide. The C wing door is broken, so we have to walk through the D wing. It’s a safety hazard. The girls on suicide watch could get something to hurt themselves with, because we can easily hand something through to D wing chuckhole. I don’t like that. C wing is beat up all the way. They just fixed the ceiling, the wires were hanging down for months. Then this pregnant girl climbed up on a chair and pulled down the wires. That girl could have electrocuted herself. If somebody was suicidal they could have hung themselves. They put a board up but you could take it down and get at it.” “[My concern is] D wing – walk[ing] past girls on watch. One girl spent 3 days there. Otherwise, it’s 24 hours straight. They’re naked – [they] get a smock but don’t wear it, then we all walk past.”