

HOW YOUTHFUL PAROLE CANDIDATES CAN ACCESS PROGRAMMING IN IDOC



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TOOLKIT INTRODUCTION

The Illinois Youthful Parole Act refers to landmark 2019 and 2023 laws (Public Acts 100-1182 and 102-1128) that created new parole opportunities for people who committed crimes when they were under 21. If sentenced, or resentenced, after June 1, 2019, those who were under 21 at the time of the offense, may be eligible to go before the Prisoner Review Board (PRB) for parole consideration after serving 10 years for certain offenses and 20 years for first degree murder. For many, this is an important opportunity to seek release before the natural end of a sentence.

Under the law, people who are eligible for youthful parole are also eligible for an individualized assessment by the Illinois Department of Corrections (IDOC). During that assessment, IDOC is supposed to provide eligible people with personalized recommendations about work assignments, programming, and institutional behavior.

This guide is designed to help incarcerated people not only obtain that assessment, but secure access to programming and services that might support a successful youthful parole application and hearing.

TIMELINE

Upon the PRB determining that a submitted petition contains the required information, they will set a date for parole review three years from receipt of the petition or the date the person is eligible for parole review, whichever date is sooner. One year from the date of the determination that the petition is appropriately filed, is the soonest that a hearing will be scheduled. Within 10 days, the PRB will notify the Department of Corrections to trigger the assessment.

THE LAW

Youthful parole is set forth in 730 ILCS 5/5-4.5-115. Section (c) outlines how to file the initial petition.

(c) Three years prior to becoming eligible for parole review, the eligible person may file his or her petition for parole review with the Prisoner Review Board.

The petition shall include a copy of the order of commitment and sentence to the Department of Corrections for the offense or offenses for which review is sought. Within 30 days of receipt of this petition, the Prisoner Review Board shall determine whether the petition is appropriately filed, and if so, shall set a date for parole review 3 years from receipt of the petition and notify the Department of Corrections within 10 business days. If the Prisoner Review Board determines that the petition is not appropriately filed, it shall notify the petitioner in writing, including a basis for its determination.

(d) Within 6 months of the Prisoner Review Board's determination that the petition was appropriately filed, a representative from the Department of Corrections shall meet with the eligible person and provide the inmate information about the parole hearing process and personalized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Following this meeting, the eligible person has 7 calendar days to file a written request to the representative from the Department of Corrections who met with the eligible person of any additional programs and services which the eligible person believes should be made available to prepare the eligible person for return to the community.

(e) One year prior to the person being eligible for parole, counsel shall be appointed by the Prisoner Review Board upon a finding of indigency. The eligible person may waive appointed counsel or retain his or her own counsel at his or her own expense.

HOW TO START THE PROCESS

- **IMPORTANT:** If you are working with an attorney, ideally seek their input before initiating proceedings to receive access to programming.
 - **Counselor:** If six months pass without an IDOC representative meeting with you, speak with your counselor and ask them to inquire on your behalf.
 - **Other institutional request processes:** If speaking to your counselor does not result in meeting with an IDOC representative, then you can try speaking with or writing to other administrative staff, such as the warden/CAO.
 - **File a grievance:** If your requests do not resolve the issue, the grievance process should be explored. A grievance is a formal administrative remedy. A grievance officer should review grievances at least once per week. Official grievance forms are available in each housing unit. Grievances will not be accepted on regular sheets of paper (including any additional information or addendums).
1. Once six months have passed since you filed a youthful parole petition, and an IDOC representative still has not met with you, you can fill out a grievance form within 60 days.
 2. Submit the grievance to the designated locked grievance box (not the mailbox).
 - Make sure all required sections have been filled out completely.
 - Remember to keep the “Counselor’s Response” section blank.

3. The grievance will be returned with the counselor's response. If the issue is not resolved, re-submit the grievance to the designated box to be reviewed by the grievance officer.
 - **IMPORTANT:** Keep a copy of the grievance and any receipts.
4. The grievance officer will review the grievance and forward a summary and recommendation to the warden/CAO, who will make the final decision for the facility. The warden/CAO shall review the findings and recommendations and inform you of the final decision in writing. The warden/CAO shall make reasonable efforts to communicate the decision within two months of the initial filing.
5. If you are unsatisfied with the warden's decision, or still are not provided access to programming, you can appeal the decision to the Administrative Review Board (ARB) by mailing them the grievance and decision (the grievance officer's summary) within 30 days of the date the Warden signed the summary.
 - ARB address: 1301 Concordia Court P.O. Box 19277, Springfield, IL 62794-9277.
 - **IMPORTANT:** Make sure you sign and date the appeal section of the summary.
 - **IMPORTANT:** Keep copies of all documents (including signed appeal section).
6. Where reasonably feasible, the ARB will render a review within four months. Where reasonably feasible, hearings will be conducted within six months. If no response is received, write a letter to the ARB inquiring into the progression of the decision.
7. If you have not received a response from the Warden/CAO within 60 days, you should submit a request form to the grievance office requesting a status update on the grievance.
 - a. You can request a status update on their grievance at any time (not just after the 60 days).

I MET WITH AN IDOC REPRESENTATIVE ABOUT PROGRAMMING, NOW WHAT?

During or after the meeting with the IDOC representative, you should receive, “personalized recommendations....regarding his or her work assignments, rehabilitative programs, and institutional behavior.” 730 ILCS 5/5-4.5-115. If you do not receive personalized recommendations, consider following the steps outlined above.

Requesting programming:

- Following the meeting with the IDOC representative, “the eligible person has 7 calendar days to file a written request to the representative from the Department of Corrections who met with the eligible person of any additional programs and services which the eligible person believes should be made available to prepare the eligible person for return to the community.” 730 ILCS 5/5-4.5-115
- If you do not receive access to programming after meeting with the IDOC representative and after requesting programming from that person, then you can follow the steps outlined above to initiate programming.

Transfer Requests:

- For many people, requesting access to the kind of programming and educational opportunities recommended by the IDOC representative will feel futile, because many prisons simply do not offer the suggested opportunities. In those instances, eligible people can request to be transferred to an institution that does have the recommended programming or work opportunity.
- Program Transfer: This type of transfer is for the purpose of participating in programs that reduce your chances of returning to prison and help with reentry.
- Requirements:
 - Your time left to serve is long enough to finish the program you hope to complete.
 - You have not received a disciplinary ticket within the past six months (unless DOC assigns the program under an exception to the criteria).
- How to request a program transfer:
 - a. Submit a request slip to the Education Facility Administrator at your current facility.
 - b. Indicate the program or facility you prefer (placement is not guaranteed).
 - c. The Education Facility Administrator will review your request, determine your eligibility, and ensure that you have enough time to complete the program.

Educational/Vocational/Adult Transition Center Transfer:

Educational/Vocational Transfers are for the purpose of participating in an educational or vocational program. You cannot request an educational transfer to take an Adult Basic Education or GED program. ATCs house people transitioning from institutional facilities to reentry for the purpose of working.

Requirements:

- You cannot have any documented involvement in organized crime within the last five years.
- You have not received a narcotics conviction within the last 10 years (exceptions can be made).
- You have between 24 and 30 months left to serve (12 to 24 for permanent party*).
- You must be in “A” grade.
- You must have a minimum security classification.
- You cannot have any acute medical or dental problems (must be cleared within 30 days by medical/mental health).
- You have completed a risk and needs assessment.
- You have no history of escape and no violations of pre-release status within the last five years.
- You have not received any tickets resulting in segregation or loss of good time within the last 45 days.
- You cannot have an active order of protection.

NOTE: People with convictions for forcible felonies are reviewed and admitted into ATCs routinely.

NOTE: Outstanding warrants and detainers are not automatically disqualifying for ATCs.

NOTE: Permanent Party are people who have less than the amount of time (24 months) needed to participate in ATC programs, but are used as workers at the ATC Centers.

How to request an educational/vocational transfer:

1. Submit a request slip to the Education Facility Administrator at your current facility.
2. Indicate the program or facility you prefer (placement is not guaranteed).
3. The Education Facility Administrator will review your request, determine your eligibility, and ensure that you have enough time to complete the program.

How to request an Adult Transition Center transfer:

1. If you are interested in transferring to an ATC, speak to your counselor to submit your request.

Recovery Services Transfer:

This type of transfer is for the purpose of participating in addiction recovery treatment or in a therapeutic community for substance abuse.

Requirements:

- The facts of your case suggest your substance abuse played a role in your actions or the judge recommended substance abuse treatment.

How to request a recovery service transfer:

1. Fill out a DOC 0286 application (ask your counselor or the Recovery Services Staff for the application).
2. Turn the application in to Recovery Services Staff or your counselor.
3. The Recovery Services program provider will screen your application (usually, you cannot pick your facility but visitation hardship may be considered).
4. If accepted to a therapeutic community (TC), sign the participation agreement.

NOTE: Placement in a TC facility is based on bed availability.

I RECEIVED PROGRAMMING!

Congratulations! There's still more to do! First, do your best to successfully complete the programming, classes and work assignments you received. Next, retain copies of any certificates earned and other benchmarks of completion, such as submitted essays or exams. Consider whether a peer or instructor would be able and willing to write a compelling letter of support. Lastly, become comfortable articulating how the programming and work assignments received benefit you and your potential reentry process, which may be an area of discussion at one or both upcoming hearings.

INSTITUTIONAL HEARING

As explained in the Youthful Parole Toolkit, candidates will first be scheduled for an institutional hearing, which is a web based interview session with the PRB member assigned to the case, the candidate and their attorney and any witnesses related to the case and reentry. The State does not attend the hearing so there will be no adverse witnesses. The hearing can last from 45 minutes to several hours.

EN BANC HEARING

The en banc hearing typically takes place the month following the institutional hearing. This hearing is before the entire PRB and takes place in Springfield. Candidates attend from their home institutions via the web and typically give a prepared statement and may answer PRB members' direct questions. A decision as to release is made at the en banc hearing.

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