



Illinois Department of Corrections

Administrative Directive

Number: 01.02.350	Title: Addressing and Reducing Disparate Treatment and Impact	Effective: 9/1/2022
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Authorized by:	<i>[Original Authorized Copy on File]</i>	Rob Jeffreys Director
Supersedes:	01.02.350 effective 10/1/2020	

Authority: 20 ILCS 5/3-2-2 DR 107, DR 504	Related ACA Standards: 5-ACI-1C-01 and 10, 5-ACI-1D-10, 13, 15 and 16, 5-ACI-3D-04, 5-ACI-5E-02
Referenced Policies: 03.03.102, 03.05.101, 05.05.105	Referenced Forms:

I. POLICY

The Department shall ensure fair and equitable distribution of benefits in the assignment of individuals in custody to custody levels, living units, job assignments, program assignments, education and vocational program opportunities and preparation and support for community re-entry; ensure all processes associated with institutional custody and classification, discipline and grievances are conducted fairly, and that decisions are not influenced by stereotypes or bias based on race, color or ethnicity; and provide an environment for individuals in custody that is free from harassment or disparate treatment based on race, color or ethnicity.

II. PROCEDURE

A. Purpose

The purpose of this policy is to establish a means of identifying and addressing issues of disparity and to ensure respect and fair treatment of individuals in custody by implementing procedures and practices that rely on equitable and relevant criteria.

B. Applicability

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Disparate treatment – treatment of a person or group that is influenced by stereotypes or bias, whether explicit or implicit, based on race, color or ethnicity.

Explicit bias – the attitudes and beliefs about a person or group on a conscious level. Often, these biases and their expression arise as the direct result of a perceived threat.

Implicit bias – the unconscious attribution of particular qualities to a member of a certain social group, which may be influenced by experience and are based on learned associations between various qualities and social categories, including race, color and ethnicity.

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F. Requirements

The following processes shall be continually reviewed to identify and address areas of disparate treatment and impact.

1. Classification
 - a. Classification of individuals in custody shall be completed in a manner free of discrimination, bias, or any other action that contributes to, or perpetuates disparate treatment based on race, color or ethnicity.
 - b. Each individual under the custody of the Department shall be classified without bias and in accordance with Administrative Directive 05.05.105 to determine his or her institutional security level and treatment or programming needs to promote institutional safety and security, and to prepare the individual in custody for successful community re-entry.
 - c. The classification methods employed shall aim to reduce disparities based on race, color and ethnicity. Factors to be considered and reviewed shall include, but not be limited to, the individual in custody's:
 - (1) Current and prior criminal history;
 - (2) Escape history;
 - (3) History of institutional behaviour;
 - (4) Demonstrated current involvement with a security threat group;
 - (5) Current age;
 - (6) Static and dynamic risk factors associated with recidivism;
 - (7) Medical and mental health needs; and
 - (8) Programming needs.
2. Housing Assignments
 - a. Housing assignments shall be made in a manner free of discrimination, bias, or any action that contributes to or perpetuates disparate treatment based on race, color or ethnicity.
 - b. Assignment of an individual in custody to a facility or specific living unit shall be made based on criteria that is validated and dynamic and reflects an individual in custody's security and custody levels, as well as any special needs (e.g., medical, rehabilitative, mental health, physical health, safety, etc.).
 - c. Housing assignments shall include a diverse group of individuals in custody; however, risk to institutional safety and security as well as an individual in custody's medical and mental health needs may impact the assignments.
3. Job and Correctional Industries Assignments
 - a. Assignments for jobs and Correctional Industries shall be made:

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(1) Free of discrimination, bias or any other action that contributes to or perpetuates disparate treatment based on race, color or ethnicity.

(2) In accordance with Department Rule 107 and the need to promote equality and skill acquisition.

b. The process of assigning individuals in custody to jobs and Correctional Industries shall rely on objective criteria that take into consideration an individual in custody's abilities, vocational needs and skill attainment for successful community re-entry as well as any risk to institutional safety and security.

c. Consideration shall be given to the skills needed for jobs including, but not limited to, academic level and vocational skills, in addition to physical and medical requirements.

d. To the extent possible, assignment to jobs and Correctional Industries shall promote skill attainment to an increasing number of diverse individuals in custody.

4. Program Assignments

a. Program assignments shall be filled in a manner free of discrimination, bias, or any other action that contributes to or perpetuates disparate treatment based on race, color or ethnicity.

b. Program assignments shall be made in accordance with Department Rule 107 and based on identified risk factors, the needs of individuals in custody, program availability and safety and security factors of the facility. Program assignments shall further be based on reasonable, objective criteria that reflect abilities and security levels of individuals in custody.

c. Assignments shall be based on individual in custody risk level, rehabilitative need, mandatory supervised release date and identified program criteria.

d. Assignment of an individual in custody to a specific program shall be based on a current objective assessment of the individual in custody's rehabilitative and community re-entry needs, risks and the specific goals of the program or service.

e. Programs and practices for assigning individuals in custody to programs shall embrace and promote diversity amongst the assigned individuals in custody. Programs shall be sensitive to multiculturalism in the methods of administration, and when applicable, shall utilize multicultural materials. However, the facility shall reserve the right to take necessary steps to ensure safety and security.

5. Individual in Custody Discipline

a. The administration of individual in custody discipline shall be conducted in a manner free of discrimination, bias, or any other action that contributes to or perpetuates disparate treatment based on race, color or ethnicity.

b. Individual in custody discipline shall be administered in accordance with Department Rule 504 and shall be timely, impartial and consistent across all individuals in custody.

c. Sanctions shall be proportionate to the severity of the offense and the individual in custody's disciplinary record.

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6. Individual in Custody Grievances

- a. Individual in custody grievances shall be processed in a manner free of discrimination, bias, or any other action that contributes to or perpetuates disparate treatment based on race, color or ethnicity.
- b. Individual in custody grievances shall be processed and reviewed in accordance with Department Rule 504. A copy of Department Rule 504 shall be made available to all individuals in custody without regard to their race, color or ethnicity.
- c. Individuals in custody shall have the opportunity to resolve issues and incidents in an informal setting prior to utilizing the formal grievance process as well as access to appeal.
- d. All individuals in custody are entitled to invoke the grievance procedure for a broad range of complaints including, but not limited to:
 - (1) Policies and procedures within the facility that impact the individual in custody;
 - (2) Actions by Department employees including contractual employees, volunteers and other individuals in custody;
 - (3) Incidents or conditions occurring within the facility that impact the individual in custody personally; and
 - (4) Issues relating to health care and other concerns.

7. Staff Training

- a. To enhance practices of respect, dignity and equality within facilities, the Office of Staff Development and Training shall provide training and development programs for all employees in accordance with Administrative Directive 03.03.102. Training goals shall include providing knowledge and skills necessary to adhere to all policies and procedures and to accord fair treatment to everyone.
- b. Training shall be provided to increase the overall proficiency of the workforce by contributing to personal and professional development.
 - (1) Training and staff development programs shall be provided in an equitable and non-discriminatory manner to all Department employees and shall aim to reduce disparate treatment and increase opportunities for development and advancement.
 - (2) All Department employees, contractual employees and volunteers shall read the disparity policy and complete diversity training. Training shall include education on implicit and explicit bias and provide opportunities for annual focused in-service training on the challenges of providing fair treatment and addressing racial or ethnic disparities outside, as well as inside the facility.

8. Individual in Custody Education and Awareness

Program Services shall develop and disseminate diversity information to all individuals in custody to promote bias-free attributions and non-disparate interaction among individuals in custody. Additional individual in custody diversity information, events or programs at the facility level shall be reviewed and approved by the Chief of Programs and Support Services or the Statewide Programs Committee before implementation.

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9. Recruitment

- a. The Department shall maintain a recruitment program to attract diverse applicants for employment in accordance with Administrative Directive 03.05.101.
- b. Recruitment officers shall be racially and ethnically diverse and recruitment activities shall be held in as many locations as possible as to ensure there are not artificial barriers to target populations.

G. Monitoring

- 1. To ensure full implementation and adherence to this policy, the Chief Administrative Officer (CAO) of each facility shall establish a Facility Racial Disparity Committee comprised of at least three employees. Selections for the committee shall be racially diverse to the maximum extent possible.
- 2. The facility committee shall conduct periodic reviews and document compliance with the provisions of this policy. Reviews shall include, but may not be limited to:
 - a. Reviews of individual housing assignments of individuals in custody to determine if factors are producing racially or ethnically disparate results.
 - b. Reviews of individual job and Correctional Industries assignments of individuals in custody to identify if the assignments were made based on objective criteria and skill need and development and that data does not indicate disparate treatment or impact.
 - c. Reviews of disciplinary reports, in the aggregate and individual cases to ensure that:
 - (1) A group of individuals in custody does not bear a disproportionate burden of discipline;
 - (2) Reports from individual staff members do not suggest disparate practices and patterns toward targeted individuals in custody or groups of individuals in custody; and
 - (3) Policies are implemented in a manner that does not result in disparate treatment or disparate impact based on race, color or ethnicity.
 - d. Reviews of grievances at the local level, regardless if the grievances were substantiated, to determine if there are patterns that suggest a racial component and to minimize and address immediately any known occurrences of disparate treatment based on the identity of the individual in custody or staff members, as applicable.
- 3. The CAO shall review the results from the facility committee and submit quarterly reports to the Department Racial Disparity Committee to include:
 - a. Individual in custody statistics for:
 - (1) Distribution of individuals in custody by race for custody, restrictive housing, placement at Transitional Security facilities and Administrative Detention and protective custody statuses.
 - (2) Distribution of individuals in custody by assessed risk level.
 - (3) Distribution of individuals in custody by race per living unit within the facility.

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- (4) Distribution of individuals in custody by race and time employed in job assignments.
 - (5) Distribution of individuals in custody by need and risk level per program provided at the facility.
 - (6) Total number of disciplinary reports issued; number of guilty pleas, number of guilty findings, number of not guilty findings and number of dismissals. The data shall then be further broken out by race and by the severity of the infraction.
 - (7) Total number of grievances submitted at the facility level, number of complaints dismissed as non-grievable issues in accordance with Department Rule 504.810, or for failure to comply with written grievance procedures and number upheld vs. denied in favor of the individual in custody. The data shall be further broken out by race and grievance type, i.e., property, food services, commissary, medical, etc.
- b. Staff Statistics:
- (1) Training and Development: Number of security and non-security staff, contractual employees, and volunteers who completed diversity training prior to independently commencing a job assignment.
 - (2) Racial distribution of staff in correlation to individual in custody population: Cross-tabulations of the racial distribution of the individual in custody population by line security staff, facility administrators and case management staff.
 - (3) Hiring, promotion and termination of staff: Broken out by race, the number of persons hired vs. applicants, number of persons promoted and number of persons terminated.
 - (4) Opportunity for volunteers: Broken out by race, the number of persons approved to serve as volunteer.
 - (5) Opportunity for Internships: Broken out by race, the number of student applicants and students approved to participate in practicum, externship, internships or shadowing opportunities.
- c. The facility's corrective action plan for addressing any component for which the data suggests racial disparity greater than 20 percent from the relevant distribution within the facility. If the disparity is more than 20 percent, a review of its practices shall be necessary to learn why such disparities have emerged.
4. The Director shall establish a committee to review and address issues where disparate treatment may occur. Selections for the Department Racial Disparity Committee shall be racially diverse to the maximum extent possible and, at minimum, shall be comprised of:
- a. The Chief of Staff, who shall act as the Committee Chairperson;
 - b. A representative from the Operations Division;
 - c. A representative from Program Services;
 - d. A representative from Central Administration;
 - e. A representative from Legal Services;

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- f. The Transfer Coordinator;
 - g. The Manager of Employee Services; and
 - h. The Chief of Affirmative Action.
5. The Department Racial Disparity Committee shall:
- a. Conduct ongoing reviews of Department Rules, policies and programs to ensure that they are not having a disparate impact on staff and individuals in custody.
 - b. Establish and maintain an ongoing quality assurance process to monitor compliance with the components delineated herein and to identify and ensure steps are taken to mitigate disparities as much as possible without negatively impacting institutional safety and security.
 - c. Review quarterly facility data to monitor staff diversity training compliance and to develop a Department level assessment of racial disparity. The results shall be discussed with the Director during an annual meeting that shall identify:
 - (1) Any identified areas of disparity within the Department;
 - (2) Corrective action plans developed or completed;
 - (3) Analysis of the staffing components concerning hiring, promotion, termination of staff; and
 - (4) Individual in custody information and educational efforts.
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