

Juvenile Justice Initiative

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DEPARTMENT OF JUVENILE JUSTICE 19 Months Later

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History

Over two years ago, the Illinois General Assembly outlined a bold vision and passed Senate Bill 92, Public Act 94-0696, moving the Juvenile Division out of the Department of Corrections and creating a new state agency devoted to rehabilitation of juvenile offenders. The mission for the new Department was to “provide treatment and services through a comprehensive continuum of individualized education, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens.” On July 1, 2006, the Department of Juvenile Justice opened.

In June and October 2007, the House Juvenile Justice Reform Committee held two hearings to monitor the progress of transition to the new Department of Juvenile Justice. In both hearings, concerns were raised over the pace of transition, lack of educational and programmatic changes necessary to fulfill the mission, and overall lack of appointments to key oversight positions within the Department.

The Juvenile Justice Initiative (JJI) actively participated in the ad hoc advisory committee that helped draft the new language creating DJJ and in the Transition Team created by the Governor after the legislation was passed. As a not-for-profit organization, the JJI Board and staff has continued to meet at DJJ facilities to talk with youth and staff, and inspect the facilities to determine the degree of progress.

Status

The JJI continues to believe in the mission outlined in statute for DJJ. The responsibilities and services specified adequately articulate the treatment philosophy intended by the General Assembly. While some actions in the new DJJ such as a reduction in the use of solitary confinement as a behavior management tool have followed this philosophy, the lack of implementation and adherence to the law has continued to hamper the appropriate delivery of services to our youth. **There needs to be a change in culture and resources must be provided to emphasize this new philosophy through training.**

Use of Solitary Confinement Reduced

Since December 2006 when extensive tracking of the use of solitary confinement began at DJJ, *the use of solitary confinement as a discipline tool has steadily declined while there has been no impact in the number of incidences at facilities.*

The practice of solitary confinement for youth is internationally condemned. In Illinois, prior to the creation of DJJ there was extensive use of solitary confinement throughout the facilities. Youth who are placed in solitary confinement are housed in heavy concrete cells with only two hours relief each day when they are moved to more open cages or small outdoor pens for exercise. In the past, underlying violations triggering solitary included swearing at guards. Further, in the past youth were held for extensive periods – sometimes weeks at a time – in these concrete cells for over 20 hours per day. Prior to December 2006, there was an unreliable system in place to monitor the use of solitary confinement—so there was no way of knowing how many youth were in solitary on any given day, let alone any information on the underlying behavior, alternative approaches used to address the violation, or length of solitary confinement.

One of the first reforms within DJJ was the development of system to track the use of solitary confinement. The tracking included reports on the youth held in confinement as well as the length of confinement and the underlying offense. Gradually, restrictions were put in place limiting the use of solitary confinement to non-verbal assaults, and requiring the approval of the superintendant, frequent review, and limiting the time allowed. These modest reforms, aimed at establishing a degree of uniformity and accountability for the use of solitary confinement, have resulted in the reduction of solitary confinement by over half in both the number of incidents of use and the length of time in solitary confinement. This is to the credit of the new administration.

By using other behavioral modification options and applying program interventions, the use of solitary has decreased from an average of 9 days in December 2006 to an average of less than 4 days in December 2007 and the number of beds has been reduced by 1/3. While this decrease may not seem dramatic, the change in approach to more treatment and less punishment is a major change, bringing Illinois a little closer to compliance with very basic standards for confinement of juveniles. **Best practices in juvenile institutions would limit the use of solitary confinement to only that amount of time in which the youth is able to control his/her emotions, and in no event longer than 4 hours.** Tracking, monitoring, closing confinement beds, and management reviews have all improved the conditions under which solitary confinement is still used, but Illinois still has a long way to go to begin to meet national standards for best practice in this area.

Demand Results

The JJI encourages the Governor and General Assembly to implement the current law establishing the Department of Juvenile Justice through the following actions:

Address the physical structures that are inappropriate for youth confinement.

Facilities such as the Illinois Youth Center at Kewanee pose extreme challenges to changing the culture when there are structural barriers to reform. As the “treatment” facility for those with mental health needs and sex offenders, Kewanee does offer some programmatic opportunities. However, the constraints of a facility built with maximum security with multiple rolls of razor wire and a “battleship gray” institutional environment is not conducive to teenagers receiving the maximum treatment. Furthermore, the geographic location makes recruiting teachers and health professionals certified for adolescents very difficult. Youth at Kewanee still receive only a half day education every other day! This facility is inappropriate for youth and should no longer be utilized for juveniles.

Only incarcerate those who need to be confined.

According to information provided by the DJJ, in Fiscal Year 2007, 16 counties committed 75% of the youth to the Department of Juvenile Justice. It is critical to insure that DJJ is used only for the youth with the most serious offenses for the shortest time possible. Keeping youth in their community when they safely can receive services decreases state costs and increases the chance for rehabilitation. There are three steps that can be taken to reduce commitments and the population of the department by over 50%:

- **Expand Redeploy Illinois:** According to the latest report for Redeploy, during the first two years of implementation, the four pilot sites on average have reduced commitments to DJJ by 44% or 226 fewer youth, saving the state millions of dollars. Targeting the expansion of these community-based alternatives for non-violent youth is less costly and more effective than institutional care in DJJ. Illinois should examine a carefully targeted expansion of Redeploy IL to address those counties that commit the most youth to DJJ.
- **Reduce the Number of Technical Parole Violators Incarcerated:** According to the latest reported data from the Department of Corrections, 42% of juvenile admissions are for technical violations. This number could be greatly reduced with a reduction in the amount of time youth spend on parole, along with appropriate discharge planning, a strong aftercare system focused on community-based services,

and a change in graduated sanctions. Illinois should also examine the possibility of the elimination of the parole system, to allow DJJ greater flexibility in moving youth back to the community with appropriate supports as part of an individualized treatment plan.

- **Eliminate Juveniles with Misdemeanors from Incarceration:** According to the latest reported data from the Department of Corrections, 7% of the juvenile population is confined for the offense of misdemeanor. According to 730 ILCS 5/5-1-14, “Misdemeanor” means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.” In 2007, the states of Texas and California both enacted legislation restricting youth adjudicated of misdemeanors from youth prisons. In Texas, the new law restricts the juvenile courts from committing youth to the youth prison for a misdemeanor crime or for violation of misdemeanor probation. The law also increased training for staff, provided for independent investigations, enhanced treatment, applied staff ratios, and required accreditation. In California, the new law restricts the authority of the juvenile court from committing youth to the youth prison for non-violent, non-serious offenses as of September 1, 2007. These youth would remain in county care and custody for community-based services. Both models are less expensive in both the short run—for treatment—and in the long run—in terms of recidivism—than incarceration.

Implement the law.

- Appoint a permanent director of DJJ;
- Appoint the Advisory Board outlined in statute to assist with monitoring implementation;
- Provide staff development & training that emphasizes the new philosophy on approaches to discipline;
- Appoint an adequate number of qualified teachers to provide appropriate educational programming; and,
- Provide transitional and post-release “aftercare” services that support youth and reduce further incidence through a focus on community-based services for youth.

Support for Change

Recent public opinion polling in Illinois indicates there is tremendous support for the movement toward treatment rather than incarceration. In 2007, the Center for Children’s Law and Policy (as part of the MacArthur Foundation’s Models for Change program) surveyed public attitudes on youth, crime, race and the juvenile justice system. In these surveys, **89% of those surveyed agreed that “almost all youth who commit crimes have the potential to change”** and more than 70% agreed that “incarcerating youthful offenders without rehabilitation is the same as giving up on them.”

Regarding the redirection of funds from incarceration to counseling, education and job training programs for young offenders, **80% surveyed favored reallocating state government money from incarceration to programs that provide help and skills to enable youth to become productive citizens.** And, 76% strongly or somewhat favored placing nonviolent youth in facilities located in their own communities and 80% favored placing them in small residential facilities rather than in large juvenile facilities.

Summary

The Juvenile Justice Initiative urges this legislature to implement a more comprehensive structure of funding to enhance local programming to reduce reliance on confinement. **The public supports this redeployment of resources to focus on rehabilitation.** The investment in community-based alternatives will maintain community safety while saving state resources. The Juvenile Justice Initiative urges this legislature to implement the law and ensure that the appropriate resources are in place to make these changes.

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