Testimony to the Illinois Commission on Government Forecasting and Accountability

Re: Department of Juvenile Justice Proposal to Close IYC Kewanee

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Dear Senator Trotter, Representative Moffitt, and Commission Members,

For over twenty years, the attorneys, law students, and social workers at the Children and Family Justice Center have advocated for system changes guided by best practices and grounded in our representation of youth in conflict with the law. More than five times in the last four years, my colleagues and I have testified to members of the General Assembly, including this Commission, about the dangers and drawbacks of incarcerating youth in large, prison-like facilities.

Others are presenting you with important administrative, programmatic, and economic concerns, including our state’s urgent need to reinvest funds from underutilized, ineffective prison beds, in order to shore up under-resourced but proven community programs. But tonight I want to revisit what it means to go through adolescence behind bars and, especially, the responsibilities we adults have to justice-involved youth – in three brief points:

 Rehabilitation is a core principle of the juvenile system;
 Prison frequently obstructs rehabilitation and other core goals; and
 We can’t keep wasting youth and staff potential on a broken system.

These statements are increasingly supported not only by research into best practices models and outcomes, but by public opinion. The vast majority of Americans support shifting the youth justice system from incarceration and punishment to prevention and rehabilitation.¹

Rehabilitation is a core principle of the juvenile justice system.² Policymakers generally intuit that public safety and youth accountability are primary system objectives, but it is also important to pay specific attention to the unique role that rehabilitation plays in juvenile justice:

¹ National polling commissioned by Youth First Initiative of 1,000 adults in 50 states, conducted January 2016. http://www.youthfirstinitiative.org/national-poll-results/
² 705 ILCS 405/5-101(1)(c).
“Every young person in prison is capable of rehabilitation. When the state severs parental custody and incarcerates a teenager, it undertakes the grave responsibility to support that rehabilitation. Too often, state incarceration of youth becomes an evasion of that responsibility rather than a serious commitment to it. But state law does not permit the juvenile system to give up on any delinquent youth, and for good reason.

Research is clear that most young people, even those who commit very serious offenses, quickly age out of their behavior. The key, as with any other teenagers, is to ensure that the consequences of their actions are proportionate, safe and productive, never destructive or debilitating.”

**Prison environments frequently obstruct rehabilitation, and therefore safety goals.**

The incarceration setting is at odds with basic functions of adolescent development: static rules hinder teens’ ability to practice increasing judgment and independence; constant monitoring reduces development of personal responsibility and self-regulation; prescriptive behavioral norms interfere with emerging personal values. A complete hold is put on key social interactions, such as caring for younger children or navigating appropriate and respectful contact with opposite-sex peers. Parental guidance and support is mostly unavailable. Typical adolescent sleeping and eating schedules are impossible and may be further compromised by trauma or depression. Sibling relationships are interrupted. Positive school, family, and community supports are eroded.

Simultaneously, youth are placed in round-the-clock contact with high-risk youth, developing friendships they will be prohibited from continuing upon release. In the best-case scenario, it is difficult to imagine a more disconnected, isolating experience for a teenager. The typical scenario is much worse: crime, arrest, prosecution, and incarceration aggravate and compound existing youth

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4 Passage excerpted from CHILDREN AND FAMILY JUSTICE CENTER, Rehabilitative Release of Youth from Illinois Prisons (March 2016) at 7.

5 “The process of changing an adolescent’s trajectory rests on the ability of the systems around the adolescent to support and direct the ongoing change process. In late adolescence, most individuals follow a pattern of individuating from parents, orienting toward peers, and integrating components of attitudes and behavior into an autonomous self-identity. These processes are occurring simultaneously in an overlapping fashion, with the success of one process dependent on the course of another. Navigating this developmental period successfully, in which the adolescent sees himself or herself as a prosocial, law-abiding person, requires supportive adults, healthy relationships with peers, and opportunities to make autonomous decisions.” NATIONAL ACADEMY OF SCIENCES, REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH 179 (Richard J. Bonnie, et al, eds.) (2013) (internal citations omitted).
trauma. Daily institutional life presents tangible risk of physical and sexual violence. The issues that brought youth into custody may remain unaddressed or be exacerbated by the setting, leading to extensions of incarceration, while mental health deteriorates.

While delinquent youth must be held accountable, it is important to do so in a manner that increases, not decreases, safety. Even short stays in detention facilities have deleterious effects on youth outcomes.

We can’t keep wasting youth and staff potential on a broken system.

As a result of visionary leadership and many dedicated staff expending their best efforts, IDJJ has made incredible strides in recent years. However, the incarceration model provides such a hindrance that IDJJ continues to struggle to meet its basic obligations to youth. In order for any juvenile justice system to be effective, it is critical to create a culture that supports rehabilitation and maturation, because most youth who commit even very serious crimes will soon cease offending as they grow up. Yet prison-like institutions, even if they are well-staffed, adequately resourced, performing optimally, and aimed at only the highest-risk youth, do not meet this requirement.

When standards fall off because waste has spread efforts too thin, the results are even worse.

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6 An estimated 75% - 93% of youth entering the juvenile justice system have experienced some degree of trauma. JUSTICE POLICY INSTITUTE, Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense (Washington, DC: Justice Policy Institute, 2010).

7 “Less than 17 percent of youth in placement for a year or less experienced some form of violence, compared with 24 percent of youth in placement between 18 and 24 months, and 33 percent of those in placement for more than 2 years.” Melissa Sickmund and Charles Puzzanchera, NATIONAL CENTER ON JUVENILE JUSTICE, Juvenile Offenders and Victims: 2014 National Report (2014).


9 “In short, the experience of imprisonment is more aversive for adolescents than for adult prisoners, because adolescents are in a formative developmental stage in which their social context is likely to shape the trajectory of their future lives. While some may view this experience as one that is deserved due to the harm caused to any victim of crime, it does not accomplish the purpose that most victims desire for a juvenile offender, i.e., that the result of incarceration will be no future victims.” NATIONAL ACADEMY OF SCIENCES, supra note 5 at 135.

10 For example, Cook County youth who were sent to juvenile detention were twice as likely (as youth with the same backgrounds who were not detained due to more lenient judges) to be incarcerated in an adult prison by the age of 25. Anna Aizer, Joseph J. Doyle, Jr., Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges, NBER Working Paper No. 19102 (June 2013). See also Richard A. Mendel, NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION, ANNIE E. CASEY FOUNDATION (2011).


12 NATIONAL ACADEMY OF SCIENCES, supra note 5 at 126. “The practice of committing youth to large institutions that fail to provide for their developmental needs is both costly in financial terms and ineffective in furthering the goal of crime prevention.” Id.
Wisconsin’s juvenile prison system is currently the subject of state and federal investigations into allegations of extensive physical and sexual abuse. The chair of Wisconsin’s Juvenile Justice Commission recently wrote:

“The fact is that larger, congregate care institutions, particularly for youthful offenders, are the dinosaurs of the juvenile justice world. Even a well-run institution under the best of circumstances has challenges maintaining a strong and well-trained workforce, meeting the individual needs of youth, keeping youth linked with their family and community, and setting the stage for successful re-entry into the community. It is evident that we have not been operating under the best of circumstances. Unfortunately, when it comes to big institutions, problems like those we are hearing about at Lincoln Hills are less a matter of ‘if’ and more a matter of ‘when.’”

Illinois faces a similarly clear choice. We can remain more committed to our risky youth incarceration model than we are to achieving results. But today, we have the opportunity to stop the cycle of good people throwing good effort after bad, only to end up with youth prisons that continue to be inherently dangerous and destructive environments, incompatible with healthy adolescent development and the wishes of the general public.

Youth, victims, families, staff, and other taxpayers all deserve better than our current, broken system. Let’s refocus our efforts into advocating for a better set of options for everyone.

I am happy to answer any questions you may have about our research. Please let me know if there is any more information we can provide as you consider your decision.

Sincerely,

Stephanie Kollmann
Policy Director

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