

Testimony of
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Subject Matter Hearing: Safety in DJJ and DOC

House Appropriations - Public Safety Committee
Rep. Kelly M. Cassidy, Chair
Rep. John M. Cabello, Republican Spokesperson

December 5, 2017

Members of the Committee,

Thank you for the opportunity to speak to you today. I believe we are at a watershed moment for youth justice in our state. After you have taken in the full measure of what you have seen and heard, you may look back on this hearing as the start of a new chapter in the history of youth prisons in our state. As Illinois approaches its 200th year of statehood – and its 147th year since the General Assembly first authorized large, state-run youth prisons – it should be the *closing* chapter of this particular book. The impetus for this hearing itself indicates that we must change direction, and:

Today, I encourage each of you to join our call to the State of Illinois to create a plan to end the commitment of youth to large-scale prison facilities. Within five years, no young person should be incarcerated due to a lack of community services, supervision, or support, and every youth who is still committed to state custody should be held in a small, local, therapeutic setting.

Illinois' Department of Juvenile Justice has made great strides since it regained its independence from the adult Department of Corrections in 2006. IDJJ now supervises fewer youth, in fewer facilities, more appropriately, with less confinement and with more oversight, and has taken over community supervision (from adult parole). Administration, legislation, and litigation have driven many improvements along the way, particularly within the last five years, supported by the hard work of many dedicated employees. Conditions for youth have improved in material ways – but the reforms to date have also revealed the limits of what is possible given our system's current configuration and approach to youth rehabilitation.

Last year, in light of IDJJ's decade of progress, as well as significant new research reports issued by the National Academy of Sciences and the National Institute of Justice,¹ we at the Children and Family Justice Center began a deep dive into the history, progress and direction of IDJJ. We gathered data, conducted interviews and surveys, researched best practices and developments in the field, and identified some key elements of future success.

As a result, the CFJC will issue a series of briefing papers in 2018 discussing our research and data gathering, entitled *Community Safety and the Future of Illinois' Youth Prisons*. We have a number of topics planned for these papers but we are eager to make our data as useful to the State as possible and would be happy to investigate any particular issues or questions that this committee or the House may have. It's very important that you have the answers you need, so that going forward, you can fund the public safety priorities that will support the right design of our future system.

As a prologue, I can offer you a brief snapshot of where things stand today. This spring, we widely distributed a survey to which 150 juvenile system stakeholders responded. In it we asked them to evaluate IDJJ's progress on 12 key points central to the department's mission. We asked survey respondents to issue grades, and the attached "Report Card" summarizes the opinions of the many court officials, probation officers, IDJJ staff, service providers, and advocates who responded, as well as the responses we received from youth and their families with IDJJ contact. It is just one form of feedback, but is consistent with the other information we have gathered: according to many who are familiar with Illinois youth prisons, while IDJJ has shown significant progress since its failing days as a subdivision of IDOC, it is still falling well short of both best practices and Illinois' own standards, in many vital areas.

We cannot settle for a C+ system. Youth and communities deserve better. Today's safety issues alone are distressing and unacceptable from the perspective of youth, staff, and the public.

I wish I could tell you that these problems are also unique or unusual. Instead, they are pervasive and persistent. Simply look across our northern border, to Wisconsin, where a long-running abuse scandal led the chair of the Governor's Juvenile Justice Commission to conclude:

"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

¹ Patrick McCarthy, et al., *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*, HARVARD UNIVERSITY AND NATIONAL INSTITUTE OF JUSTICE, NEW THINKING IN COMMUNITY CORRECTIONS BULLETIN (2016); NATIONAL RESEARCH COUNCIL, REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH, NATIONAL ACADEMIES PRESS (2013).

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.”²

Recurrent safety issues are just one of the many reasons many experts have recommended closing down large, corrections-focused, prisonlike facilities in favor of supervising youth in therapeutic settings close to home. As we have seen, serious safety issues recur even after reforms bring better staffing ratios, better training, and additional services to a youth prison.

Here in Illinois, we have considered youth prison safety on many occasions: When the department was founded in 2006. Five years ago, when the ACLU initiated its lawsuit. Four years ago, during hearings on rampant sexual victimization. At each of three prison closure hearings. Last year, when four guards were arrested for abusing youth at St. Charles. And here we find ourselves again, today.

Time after time, my colleagues and I have described to you how prisons are dangerous and make us all less safe. Youth prisons are isolating – by design. They are control-oriented – by design. Prisons can never truly protect youth, staff, or communities because they impede or destroy the most crucial aspects of public safety: connection, relationship, and responsibility.

Prisons rely instead on an unsustainable illusion of control rooted in secrecy, segregation, and power – the same conditions that we all know foster abuse and are not effective in reducing recidivism. These risks are amplified for people who are young, who are marginalized, who have disabilities, and who have previous exposure to abuse and trauma. All of the teenagers we are discussing today are vulnerable in one of these ways, often many of them. We can’t be shocked by our next scandal. It is not a question of if, but when, this will happen.

What do we need to know to change it? Let me offer you some facts, which we will be exploring in more detail during our series:

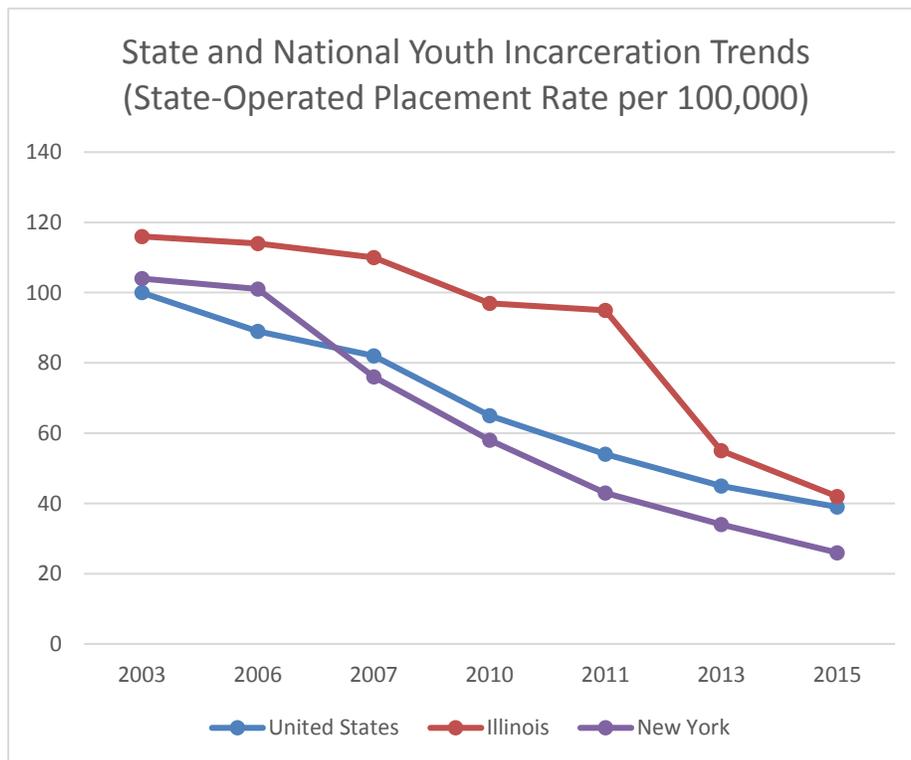
- Recidivism research indicates that it is more cost-effective to supervise even the highest-risk youth in a community setting, as opposed to a youth prison.³
- While every state has some system of youth confinement, not every state’s system looks and feels as punitive as ours. For example:
 - Twenty-two states, including our neighbors Michigan and Missouri, don’t have a single youth prison larger than 100 youth (Illinois has two).⁴

² Jim Moeser, *Opportunity knocks to move on reforming juvenile justice in Wisconsin*, CAP TIMES (March 24, 2016).

³ Christopher T. Lowenkamp and Edward J. Latessa, EVALUATION OF OHIO’S RECLAIM FUNDED PROGRAMS, COMMUNITY CORRECTIONS FACILITIES, AND DYS FACILITIES, UNIVERSITY OF CINCINNATI, DIVISION OF CRIMINAL JUSTICE, CENTER FOR CRIMINAL JUSTICE RESEARCH (2005), at Table 4, “Tax Costs of Processing Youth and Recidivism – Very High Risk Youth.”

⁴ Liz Ryan, Jill Ward, Mishi Faruquee, THE GEOGRAPHY OF AMERICA’S DYSFUNCTIONAL & RACIALLY DISPARATE YOUTH INCARCERATION COMPLEX, YOUTHFIRST INITIATIVE (2016).

- Illinois is one of only five states in which youth prison guards are permitted to carry chemical spray.⁵
- From 2003-2013, Illinois lagged behind the rest of the country in reducing its youth incarceration rates, and has only caught up to the national average in recent years (see chart).
- As Illinois' youth prison population has declined, racial disparities in state commitments have deepened, with drastic results in specific counties.⁶
- The impact of state budget cuts to programs like Redeploy Illinois and the crisis services (CCBYS) system are still being felt, even as funds have recently been freed up.⁷



Children and Family Justice Center analysis of: Melissa Sickmund, et al, *Easy Access to the Census of Juveniles in Residential Placement*, U.S. DEPARTMENT OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (2017). Available at: <http://www.ojjdp.gov/ojstatbb/ezacjrp/>

⁵ COUNCIL OF JUVENILE CORRECTIONAL ADMINISTRATORS, Issue Brief: Pepper Spray in Juvenile Facilities (May 2011). “CJCA’s collective experience shows that overreliance on restraints, whether they be chemical, physical, mechanical or other, compromise relationships between staff and youths, one of the critical features of safe facilities.” *Id.*

⁶ Children and Family Justice Center analysis of Illinois Criminal Justice Information Authority data, forthcoming (planned February 2018).

⁷ Mark Brown, *State Budget Impasse Over, but Not Social Service Agency Pain*, CHICAGO SUN-TIMES (Oct. 16, 2017).

Significantly more and higher-quality research has become available in recent years and we look forward to sharing it with you in depth. However, the message is clear and common-sense: youth prisons are fundamentally incompatible with adolescent development. Like me, each one of you needed family connections, positive peer relationships, and a sense of community responsibility as a teenager. Like me, many of you have worked hard to give these things to your own children. The teens we currently send to prisons need the exact same opportunities for growth and connection if we are to be a successful society, and they aren't getting them.

You are right to hold this hearing. You can see for yourselves how many people are here today because they are concerned about this issue. Even at their very best, youth prisons are not safe for youth, for staff, or for the public.

Again, I repeat my call to you – Illinois should create a five-year plan to end the commitment of youth to large prisons and instead provide appropriate supervision in smaller settings close to home.

The sooner that Illinois begins to correct course and invest in effective youth supports and services, the sooner this vision can be achieved.

Thank you for your time and I hope to hear from each of you soon.