

## Restoring the State Legacy of Rehabilitation and Reform

### The History of Illinois' Youth Incarceration and the Creation of the Illinois Department of Juvenile Justice

#### About this Series

Founded in 1992, the Children and Family Justice Center (CFJC) promotes justice for children, adolescents, and their families through direct legal representation, policy advocacy, and law reform while providing clinical instruction to law students.

As the State of Illinois concludes its second century and the Illinois Department of Juvenile Justice (IDJJ) charts the path of its second decade, now is an opportune moment to reflect on progress made and lessons learned regarding Illinois' approach to public safety and treatment of young people who are in conflict with the law. It is crucial to weigh the history and progress of IDJJ against the fact that youth prisons are not an evidence-based response to juvenile offending. Most youth who commit even very serious offenses cease this behavior as they grow up.<sup>1</sup> Prison-like institutions, even when performing optimally and aimed at only the highest-risk youth, do not adequately support healthy development and rehabilitation.<sup>2</sup> Even brief periods of youth incarceration and detention have been shown to create poorer outcomes, including a higher risk of incarceration as adults.<sup>3</sup>

The goal of our year-long series, *Community Safety & the Future of Illinois' Youth Prisons*, is to provide an in-depth analysis of the deep end of Illinois' juvenile justice system and to identify principles that can help

stakeholders develop systems more conducive to community safety and positive youth development. The series is a result of a multi-year research endeavor wherein we interviewed a wide variety of policymakers, surveyed over 150 stakeholders, gathered and analyzed data, and conducted an extensive review of academic and practitioner research.

This inaugural issue introduces the history and purpose of IDJJ, documenting the agency's most significant changes and challenges over its first decade. Future issues will address specific aspects of Illinois' juvenile system, including the roles that race, youth development, economics, family, and community play in youth incarceration. The series will culminate in a detailed set of recommendations, consistent with increasing calls from researchers and practitioners, for a five-year plan to end Illinois' use of large, adult-modeled prisons for youth and to expand alternatives to incarceration.

Policymakers and practitioners frequently express desire for additional context for their decision-making, and it is our honor to provide information in support of better outcomes for youth, families, and communities. We invite you to share your questions with us along the way, so that we can make these materials as comprehensive and useful as possible to the people of our state.

Stephanie Kollmann  
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#### Inside this Issue:

- ❖ The Illinois Department of Juvenile Justice was established in 2006 in order to restore – and advance – the original rehabilitative purpose of juvenile court, by addressing youth-specific needs.
- ❖ Challenges arising out of adopting new youth populations and new approaches were not insurmountable as feared; declining crime and policy reform eliminated the perceived need to build new youth prison capacity.
- ❖ Abandoning punitive practices adopted from the Department of Corrections has been a slow, difficult process for IDJJ.
- ❖ Significant legislative, administrative, and litigation-driven changes have helped to support the department's practice shifts, contributing to a significantly smaller and better-run department than at its founding.
- ❖ Results of reforms to date, while positive, are reaching the limit of their efficacy, as the large-scale correctional institutions themselves obstruct efforts to establish rehabilitative, family-centered and community-based approaches.

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# The History of Illinois' Youth Incarceration and the Creation of the Illinois Department of Juvenile Justice

In 2006, Illinois created the Illinois Department of Juvenile Justice (IDJJ) as a stand-alone agency, separating it from the Illinois Department of Corrections (IDOC), which had become an exceptionally harsh environment for youth, devoid of programming and ineffective at rehabilitation. Since then, the state has worked to realize its vision of an independent youth justice agency whose practices are grounded in public safety, focused on positive outcomes, responsive to the impacts of disinvestment and trauma, infused with an appreciation for adolescent development, and built around the strengths and promise of young people.

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The Department of Juvenile Justice was created because of a growing recognition that a traditional prison-based system does not work well for youth.

– Illinois Department of Juvenile Justice 2015 Operating Plan Summary, *Improving Youth Outcomes*

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Today's Illinois Department of Juvenile Justice still retains several features of the Illinois Department of Corrections' focus on the "firm external control security of inmates."<sup>4</sup> The most obvious aspect of this legacy is the large, industrial, adult-modeled youth prisons,<sup>5</sup> predominantly featuring bare institutional cells, bars, steel doors, razor wire, lockdowns, commissary, and guards armed with chemical spray.

Those who have closely observed IDJJ's development have encountered many seeming contradictions: periods of both stabilization and rapid change; initiatives to divert youth out of juvenile prisons and others to divert youth into them (away from the adult system); new state employee hiring as well as private contracts for services; new access to legal counsel for youth being returned to custody yet continued lack of attorney access during incarceration; and staff embrace and rejection of these and other changes.

Assessed as a whole, however, what has sometimes seemed like chaos has in fact been a grinding, continuous effort to course-correct under the leadership of three governors (both Republican and Democratic) and four directors of varied backgrounds. The pace of progress has been at once remarkable and far too ponderous.

## Illinois' Early Embrace of the Rehabilitative Model of Juvenile Justice

Illinois' early and long leadership in juvenile justice is well-recognized. In 1899, the Illinois General Assembly and Governor founded the nation's first separate juvenile court system.<sup>6</sup> The original Illinois Juvenile Court Act was notable for defining a rehabilitative, rather than solely punitive, purpose for its innovative court, protecting the confidentiality of minor defendants, and requiring the separation of youth from adults detained at the same institution.<sup>7</sup> Its structure was in keeping with changing concepts of childhood and simultaneous criminal justice reforms like probation, parole, and indeterminate sentencing that emphasized comparative flexibility and individualization.<sup>8</sup> The philosophy of the Illinois Youth Commission, one of the agencies previously responsible for youth incarceration, was consistent with the Act's purpose, such that "treatment of the juvenile offender would be a long-range process of rehabilitation, rather than primary emphasis on custody and routine punishment, and moreover, that treatment should be patterned to center upon needs of the individual child."<sup>9</sup> To be sure, the youth rehabilitative model was never realized; disparities and institutional abuses have recurred and endured over time.<sup>10</sup> However, for much of the 20th century, Illinois remained at the forefront of youth justice.

## The Initial Erosion of the Rehabilitative Mission

By the late 1960s, national shifts toward punitiveness were accelerated in Illinois, where officials began reversing progress, moving away from a rehabilitation focus and toward the penal approach

increasingly prevalent in the adult system.<sup>11</sup> In most states, juvenile delinquency agencies remained independent, or were overseen by the equivalent of the Department of Children and Family Services, the Department of Public Health, or other child-serving or social welfare agencies.<sup>12</sup> In stark contrast to Illinois, between 1970-1983 Missouri famously transitioned away from an Illinois-style system organized around large “training schools,” to a network of smaller regional facilities, which became renowned as having significantly better conditions and outcomes.<sup>13</sup>

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For more than a year, the Illinois Youth Commission has been receiving older, more hostile and “acting-out” boys. ... Because many adult prison administrations, nationwide, labor in the belief that they know best how to deal in the business of firm external control security of inmates, youth commissions are being coveted by such agencies. ... To allow youth authorities to revert to the [adult] systems from which they emerged would be tantamount to taking a giant stride into the past century. Those of us who are in correctional rehabilitation of youth cannot meet the complexities of these changing times and new types of commitments arising amidst social unrest by reaching backwards for methods, techniques and philosophies of the past which, in themselves, [set back] the whole field by at least thirty-five years.<sup>14</sup>

– **Russell H. Levy, Ph.D.**, Research Director, Illinois Youth Commission, 1967

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Illinois did not follow Missouri’s trajectory. Just two years after Dr. Levy’s warning not to let concerns over older or more challenging youth erode the core rehabilitative goals of the juvenile justice system, the Illinois Youth Commission was disbanded and combined with the adult prison system into the newly-established Illinois Department of Corrections, Juvenile Division.<sup>15</sup> It would be another 36 years (2006) before Illinois’ youth agency became formally independent of adult corrections once again.

Still, youth were housed separately from adults, and the Illinois Department of Corrections of the 1970s and 1980s remained more rehabilitation-oriented for both youth and adults than it became in later years. Illinois’ corrections agency also ran youth facilities other than the large prison or “training school” model. Youth conservation camps, for example, dotted the Illinois landscape.<sup>16</sup>

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At that time, the juvenile facilities were run by staff that were mainly trained in social work, and the staff worked very closely with the families. Kids were routinely allowed furloughs to go home to if there was some big family event; they really worked to keep those family ties. ... It was very open and transparent and very much youth-centered. Kids were sent back home rather quickly—they didn’t stay that long ... the whole mandate was to work with community providers, get youth settled, and get out of there, now and for forever.

– **Elizabeth Clarke**, President, Juvenile Justice Initiative

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### **The Punitive Turn of the 1990s**

In the 1990s, conditions of youth incarceration in Illinois changed dramatically. The adult correctional system, of which the Juvenile Division was just one part, had grown exponentially.<sup>17</sup> As Paula Wolff, who co-chaired the IDJJ transition team, recalled, what disturbed advocates at that time was that while youth were not physically incarcerated with adults, “the same policies that applied—the punishment policies, the training for all of the staff, the mental health treatment— everything was developed for the adults because they were the overwhelming part of the population . . . and, I think, most importantly, there was the same attitude that ‘these are bad people, violent people, threats to public safety, we have to lock them up.’ It was really about security and not about rehabilitation.”

Legislators observed the same phenomenon. Republican Representative Patti Bellock recalled that “the pendulum had swung to treating young

people like adult criminals” and “not really trying to rehab them at all . . . once [youth] went in, [the system] had already given up on them.” It was in this environment that legislators and advocates began calling, as early as 2002, for Illinois to become the 40<sup>th</sup> state to separate its juvenile corrections from the adult department.

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We had eight juvenile prisons that were just like adult prisons. ... In the early part of this effort, we recognized an obstacle to change was a culture that said: “Kids are dangerous; kids have to learn at an early age that if you do the crime, you do the time; we have to be tough on crime and that includes kids.” ... That whole scared straight thing, it went on. Very late 90s into the early 2000s, that culture was widespread, not just inside these facilities or the system but also in the public.

– **Judge George Timberlake**, Chair, Illinois Juvenile Justice Commission

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I was stunned, absolutely stunned. I was almost physically sick, I couldn't get over it—it had turned into an adult prison.

– **Elizabeth Clarke**, President, Juvenile Justice Initiative, regarding an early-2000s visit to IYC-Warrenville

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## The Creation of the Illinois Department of Juvenile Justice

In 2005, a large bipartisan group of legislators and advocates, led by the Legislative Black Caucus, successfully championed a bill to separate the Juvenile Division from the Illinois Department of Corrections. Floor debates at the time illuminate the purpose and hope for the new agency. One of the bill's chief co-sponsors, Democratic Rep. Annazette Collins, asked her fellow legislators, “[w]hy not have restorative justice – as opposed to punitive corrections, where they are sitting behind bars doing absolutely nothing – [and] trying to correct their behavior and bring them back to society, so they can be productive members of society?”<sup>18</sup> Another chief co-sponsor, Republican Rep. Patti Bellock, supported the bill in part to reduce recidivism, hearkening back to the state's history: “Illinois was a leader in having

the first Juvenile Justice Act back in 1897. But every expert that testified before our committee said this system has failed and we need to do something about it.”<sup>19</sup> Democratic Rep. Constance Howard echoed: “The fact of the matter is there should be a separation between the juvenile and adult systems. Juveniles ought to be treated differently.”<sup>20</sup> The bill passed both chambers with strong bipartisan leadership and support, and in November, 2005, Gov. Rod Blagojevich signed Public Act 94-696, the Department of Juvenile Justice Law.<sup>21</sup> The Illinois Department of Juvenile Justice was established effective July 1, 2006.

The enabling statute outlined IDJJ's mission: “to provide treatment and services through a comprehensive continuum of individualized educational, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens.”<sup>22</sup> Moreover, the law instructed that IDJJ “shall embrace the legislative policy of the State to promote the philosophy of balanced and restorative justice” set forth in the Juvenile Court Act of 1987.<sup>23</sup> Thus, from the outset IDJJ was established in order to prioritize a treatment-based approach to youth corrections – not in order to use facility conditions to punish or criminalize youth. Enhanced educational, vocational, and psycho-social programming was understood to be critical to meeting the goals of helping youth grow into productive adult citizens.

Today, these founding concepts – a continuum of individualized services focused on prevention and rehabilitation – have been affirmed by the most contemporary scholarly literature. **The consensus is clear: the adult-styled prison model does not work for youth and does not keep society safe.** As a 2016 report published by the Harvard Kennedy School and the National Institute of Justice states plainly: youth prisons reflect an “ill-conceived and outmoded approach...with high costs and recidivism rates and institutional conditions that are often appalling.”<sup>24</sup>

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I think this is an excellent piece of legislation. It is not going to solve all of the problems of juveniles in our state system, but is certainly an important first step. The [1,600] kids in the system are way overshadowed by the [44,000] grownups that the Department of Corrections serves.

–Rep. Barbara Flynn Currie (2005)<sup>25</sup>

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### **IDJJ’s Trajectory – Three Phases of Change**

“The mission of the Illinois Department of Juvenile Justice is to enhance public safety and positive youth outcomes by providing strength-based individualized services to youth in a safe learning and treatment environment so that they may successfully reintegrate into the community.”<sup>26</sup>

While similar in mission and in many aspects of operations, today’s IDJJ is markedly different in size and in trajectory than the institution was at its founding. At the same time, no single aspect of the department’s reforms can be said to be fully implemented and current conditions continue to fall short of constitutional requirements.

As IDJJ has progressed, so too has research on best practices. Evidence continues to mount that youth prisons run counter to the core rehabilitative mission of the juvenile system and jeopardize the safety of youth, staff, and the public; even short periods of juvenile incarceration can be tied to poorer outcomes.<sup>27</sup> Meanwhile, it is becoming clear that family-focused, community-based supervision and services are more practical and effective for a much wider variety of youth, including older and high-risk youth, than had been previously understood.<sup>28</sup>

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### **Phase I: Slow Separation (2006 – 2010)**

The newly-established IDJJ inherited the existing prison facilities and the IDOC Juvenile Division staff; many of its operational functions, including mental health care and staff training, continued to be handled by the adult agency through

“shared services” agreements for several years.<sup>29</sup> With little in the way of administrative funding to accomplish independent restructuring and an abbreviated attempt in 2010 to merge with DCFS, IDJJ made few tangible operational changes for the first several years, despite a new mission and independent status.

### ***Bureaucratic obstacles***

In between the passage of the legislation creating IDJJ and its effective date, an executive order established the Division of Shared Services within the adult Department of Corrections.<sup>30</sup> The Public Safety Shared Services Center (PSSC) consolidated administrative functions of nine state public safety agencies, including IDJJ; the IDOC-based center was intended to achieve significant savings, though these failed to materialize as expected.<sup>31</sup>

In theory, shared administrative services might have allowed the new IDJJ to concentrate its efforts and independent funding on rehabilitation efforts, community supervision, and culture change in facility operations. In practice, however, the consolidation erected several new bureaucratic barriers to change, even exacerbating the same issues IDJJ was created in order to resolve. IDOC’s administrative needs and legacy culture continued to overshadow the much smaller IDJJ population and youth-specific exceptions to adult practice were difficult to negotiate and accomplish.

Improvement to youth case management procedures became tied to IDOC requisition of its own electronic data system, affecting IDJJ’s recordkeeping for over a decade. Even hiring the first new recruits into IDJJ’s “Juvenile Justice Specialist” position (setting youth-specific higher education requirements for guards) took more than two years to accomplish.<sup>32</sup> Conditions for incarcerated youth deteriorated in many respects as the lack of new youth-specific hiring, attrition of existing staff, high youth population, and lack of staff retraining resulted in increasingly stressed IDOC legacy guards who had few new approaches or services at their disposal.

### **Defunded programming**

Agency programs had already been substantially cut for five years prior to IDJJ's establishment. In an effort to remain "budget-neutral," IDJJ staffing was insufficient to handle the large numbers of youth committed to IDJJ. Agency staffing cuts affected education (46% of teacher positions in 2007 were vacant), mental health, and health care for youth.<sup>33</sup> Contemporaneous monitoring reports describe youth unable to access needed services or even a full day of education, youth spending most of their time in their cells due to short-staffing in security, and guards overly fatigued by overtime.<sup>34</sup>

Outside of the prison walls, one of the most anticipated aspects of IDJJ – discussed at length during floor debate at the time of its creation – was abandoned. Appropriations to support the aftercare program were never made.<sup>35</sup> The surveillance-only parole model continued for years, as IDOC agents with three-to-five times the recommended caseload monitored youth upon release, providing no meaningful linkages to services to support reentry.<sup>36</sup>

### **Conflicted vision**

While few staff, administrators, or advocates seemed satisfied with IDJJ conditions in its early years, the manner of course correction was in dispute. Many administrators and staff with years of experience in the IDOC Juvenile Division recalled a time when significantly more programming was available to youth; they associated having more in-facility resources with better rehabilitative outcomes. Monitors and advocates were also concerned about the dangerous conditions created by lack of access to treatment and high ratios of youth to security staff. Since IDJJ was never adequately resourced for independent administration or mission success, many believed that shifting more resources into facility operations was urgently needed.

At the same time, there was significant concern that IDJJ was not only nearing capacity (if assigning only one youth per cell, it was well over capacity<sup>37</sup>), but that the number of youth committed to it would continue to grow. The

Department's first Master Plan predicted that 523 additional prison beds (as well as extensive capital investment to repair deterioration of existing facilities) would be required by 2016, bringing facility capacity up to 1,947 – unless diversion strategies and alternatives to incarceration were invested in and brought to scale.<sup>38</sup> Due to the expense, difficulty, and ineffectiveness of providing services in a prison setting, many administrators and advocates wished to prioritize investment in community-based alternatives to incarceration. They perceived that a significant reduction in the number of youth in custody was the only feasible way to improve conditions inside facilities and support IDJJ's purpose.

Despite tension over whether to prioritize investment in prison operations or expanding community alternatives, important progress was made inside facilities. Most notably – though the use of solitary confinement remained high, the average time youth spent in solitary fell by more than half since separating from the Department of Corrections.<sup>39</sup> The agency also began to contract independently of IDOC for medical care and food, enabling better quality control. The degree of attention and transparency made possible by organizing IDJJ as a standalone agency helped to increase public accountability.

For the most part, however, the conditions under which youth were held in custody did not undergo substantial changes from the adult prison-like system that had existed before. Following the suicides of two youth (at IYC-Kewanee in 2008 and IYC-St. Charles in 2009), IDJJ requested an external review of its mental health services by the MacArthur Foundation's Models for Change, the first comprehensive external assessment of a treatment-related aspect of the department.<sup>40</sup>

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## **Phase II: Recommitment to Rehabilitation (2010-2013)**

Youth suicides, a concerning review of IDJJ's system for screening and providing mental health services, and investigative reporting into

agency operations galvanized public concern. Political will to recommit to IDJJ’s rehabilitative mandate grew in response to reports, lawsuits, and public education.

### ***Analysis of rehabilitative services***

The Models for Change report clarified that IDJJ was not making youth placement or treatment plans based on validated mental health or risk assessments – and that even if youth needs could be properly identified, IDJJ didn’t have appropriate or adequate services. Further, staff were not trained on youth development, evidence-based behavioral health, trauma, or de-escalation techniques; needed services were unavailable to youth upon release, and there was a lack of family engagement throughout.<sup>41</sup>

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[E]xisting behavioral health services are inadequate across multiple dimensions – the number of programs, the range of needed interventions, the failure to match individual needs with appropriate services, the lack of evidence-based treatment modalities, the absence of culturally-sensitive services, and an inattention to the needs of special populations.

– **Illinois Models for Change**, Report on the Behavioral Health Program for Youth Committed to Illinois Department of Juvenile Justice (2010)

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Following the report, the state made more concerted efforts at institutional reform. A new director with a child welfare (rather than corrections) background was hired in order to focus more on services. An executive order prompted efforts to combine IDJJ with the Department of Children and Family Services, in order to limit shared services with IDOC, align supportive youth services, and coordinate community-based approaches. While the effort was ultimately abandoned (and IDJJ still maintains several shared administrative services with IDOC), the amount of attention paid to the nature and purpose of indeterminate sentencing during this period, along with advances in understanding adolescent development, shifted assumptions about IDJJ’s nature and purpose.

### ***Analysis of conditions and commitments***

By 2010, the aftercare program envisioned at IDJJ’s founding had still not materialized, and youth remained supervised by adult parole agents. Legislation instructed the Illinois Juvenile Justice Commission to conduct a thorough review of release procedures and outcomes. A scathing report issued in 2011 concluded that “the drawbacks of relying upon a flawed surveillance-only punishment strategy for youth on parole are clear: unacceptably high reincarceration rates for youth with no corresponding fiscal or safety benefit to the public.” The report issued recommendations concerning every part of the release, supervision, hearing, and parole revocation processes; following years of administrative, legislative, and litigative advocacy, most of the report’s recommendations have been adopted.

In 2012, the Roderick and Solange MacArthur Justice Center and the Uptown People’s Law Center filed a class action lawsuit against IDJJ. *M.H. v. Monreal* (now *M.H. v. Findley*), in the wake of insufficient state response to the findings in the *Youth Reentry Improvement Report*. The suit alleged that the parole revocation process for youth’s procedural deficiencies amounted to a Due Process Clause violation and resulted in a consent decree that is still active.<sup>42</sup> In an interview, David Muhammad, a national juvenile justice expert and the federal court-appointed monitor for the parole revocation lawsuit, described the shift in community supervision, which had been oriented by a traditional parole mentality of “trail them, nail them, jail them,” toward the mindset of helping youth be successful in the community under the aftercare program. Muhammad also noted the profound effect of due process protections, such as notice, probable cause hearings, access to counsel, and timely hearings, all of which increase transparency to youth and help to hold the system accountable.

In 2012, the ACLU of Illinois filed a class action lawsuit against IDJJ, *R.J. v. Bishop* (now *R.J. v. Mueller*), which alleged that deficiencies in the conditions, services, and treatment of youth throughout IDJJ amounted to a violation of Due Process Clause of the U.S. Constitution.<sup>43</sup> Rather

than litigating the case, IDJJ and the ACLU of Illinois entered into a consent decree in December 2012, and the court shortly afterwards approved a remedial plan that required IDJJ to improve its education and mental health services, decrease staff to youth ratios, and prohibited the use of solitary confinement as a disciplinary tool.<sup>44</sup> Although strides have been made with regard to the conditions of confinement youth have faced since the lawsuit, this consent decree is still active and subject to ongoing supervision in federal district court.

In 2013, a federal survey of youth in state custody was released, showing that youth in IDJJ facilities had some of the highest rates of sexual victimization in the country; Illinois was one of only four states with victimization rates exceeding 15%.<sup>45</sup> Five of the seven prisons had higher than average rates – largely related to staff-on-youth conduct.<sup>46</sup> Legislative subject matter hearings were conducted on the issue<sup>47</sup> and IDJJ requisitioned an external audit and report.<sup>48</sup> IDJJ has successfully completed recent audits required under the Prison Rape Elimination Act (PREA).<sup>49</sup> Another federal sexual victimization survey is currently underway; information about contemporary youth abuse reports is expected in June, 2019.

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### **Phase III: Recommitment to Reform (2014-2017)**

Since 2013, three of the eight youth prisons, IYC-Murphysboro, IYC-Joliet, and IYC-Kewanee, have closed.<sup>50</sup> All three were large-scale institutions, built to house 156 (Murphysboro), 350 (Joliet) and 354 (Kewanee) youth.<sup>51</sup> These prison closures tracked with a steep decline in the number of youth in IDJJ's custody: in 2006, the average daily population was approximately 1,500 – by 2017, it was around 400.<sup>52</sup> In addition to declining crime,<sup>53</sup> the population decrease has been attributed to several juvenile justice reform factors, including significant legislative, administrative, and court-ordered changes affecting rate of admissions, incarceration conditions, release process, number of returns on technical violations, and the nature of post-release supervision.

In 2014, a new director with a background in government agency management and juvenile justice systems reform was appointed. In March 2015, IDJJ issued an operating plan, the first comprehensive planning document since its founding.<sup>54</sup> The plan identified five core priorities to create safer communities and improve youth outcomes:<sup>55</sup>

- ❖ **Right-Size: Reduce the Use of Secure Custody for Low-Risk Youth**
- ❖ **Rehabilitate: Improve Programs to Meet the Needs of High-Risk Youth**
- ❖ **Reintegrate: Improve Programs to Ensure Successful Reentry**
- ❖ **Respect: Create a Safe and Respectful Environment for Youth and Staff**
- ❖ **Report: Increase Transparency and Accountability**

In 2016, the current IDJJ director was appointed to continue progress on this plan, which she had helped to create and implement; additionally, she has experience with data-driven management of youth services operations and oversight.

Upon entering IDJJ prisons, youth are now screened for mental health needs, in theory permitting therapeutic and other services to be tailored and tracked using individualized case management approaches.<sup>56</sup> Solitary confinement is no longer available as a punishment, and its use in other circumstances has been reduced.<sup>57</sup> Some sexual assault prevention measures are in place.<sup>58</sup> Where there was an adult parole system, there is now a separate juvenile aftercare system providing more supportive community supervision.<sup>59</sup> In addition, the Office of Independent Juvenile Ombudsman was established by a state law enacted in 2014; the Ombudsman is charged with ensuring that the rights of youth committed to IDJJ are being protected.<sup>60</sup>

However, despite its substantial progress, as IDJJ itself has acknowledged, it has “struggled to fulfill its mission.”<sup>61</sup> Future reports will examine some of the pressing issues facing IDJJ in more depth but in summary, despite its longstanding commitment to providing youth in its custody

with individualized services in a safe learning and treatment environment to facilitate reintegration, the Department's operational reliance on large youth prisons obstructs its ability to sustain basic rehabilitative initiatives for youth in its care. Furthermore, the continuum of community-based services envisioned at its founding have not materialized.

### ***Recalibrating IDJJ Population through Administrative, Legislative and Litigation-Driven Reforms***

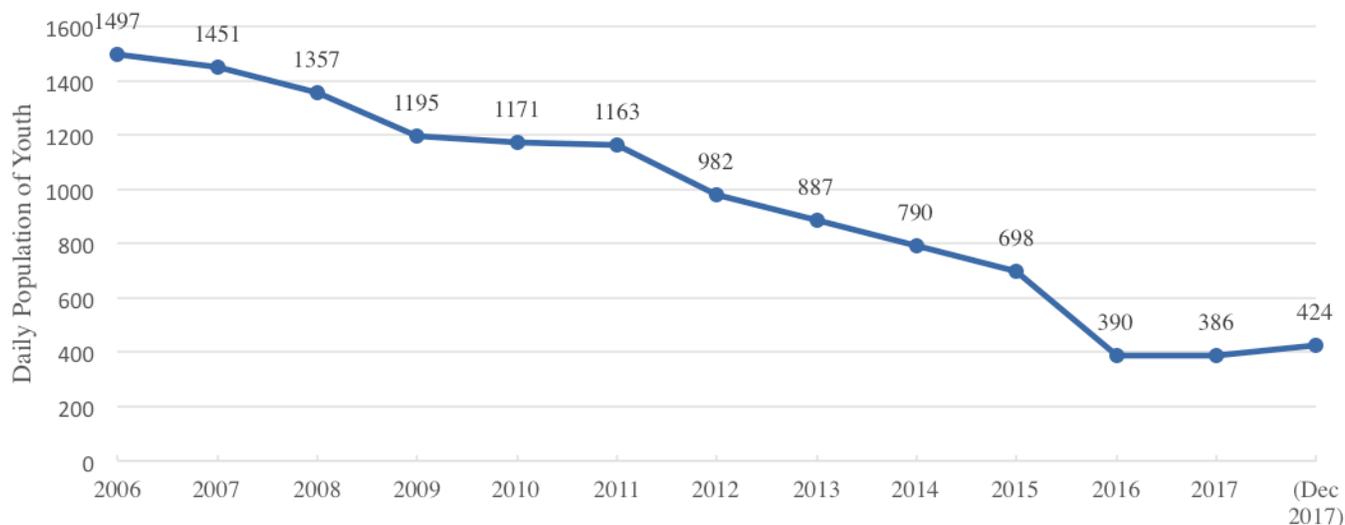
When asked to name IDJJ's greatest achievements over the past 10 years, nearly all

of the interview participants emphasized the decrease in population.

### ***IDJJ Facility Population 2005-2017***

What factors have brought about this dramatic decrease in the numbers of youth who are in IDJJ's custody? The stakeholders we spoke with pointed to several explanatory factors. First, IDJJ enacted administrative changes that advanced along with progress toward IDJJ's rehabilitative mission.

IDJJ Population (June 30)



When I arrived, I think we had around between 1,200 and 1,300 youth that were in our facilities, and we had eight facilities at that time. And so we began to, in a more assertive way, discharge youth in a timelier manner. At the same time, we were partnering with the diversion groups and prevention groups – working with lawmakers and legislators, etc. – around diverting youth whose behavior was such that it didn't warrant them being locked up. And so we kept youth out who didn't need to come in.

– **Arthur Bishop**, IDJJ Director (2011-2014)

Second, a series of legislative changes should not be underestimated with regard to its impact on IDJJ population. Prior to IDJJ's founding, the state created Redeploy Illinois, a program that

encouraged deinstitutionalization and decarceration of youth by monetarily incentivizing counties to reduce commitments to juvenile prisons and helping to subsidize local, community-based alternatives.<sup>62</sup> The first four pilot projects began in 2005.<sup>63</sup> Over the next decade, the popularity and scope of Redeploy Illinois grew, as more counties opted in or expanded their programs. By 2015, Redeploy was active in 13 different program sites, affording opportunities to divert youth from 45 of Illinois' 102 counties. Planning grants were given to many more counties considering expansion and in 2014, a statutory reform permitted Cook County to develop a pilot-sized Redeploy Illinois project.<sup>64</sup> However, several counties that have engaged in Redeploy planning, including Cook, have not yet entered into Redeploy agreements. Further, the state budget crisis (2015-2017)

negatively affected the amount and quality of community-based alternatives to incarceration,<sup>65</sup> closing or destabilizing key service providers and ending some counties' participation.<sup>66</sup> Recently, Redeploy Illinois funding has been restored and the program continues to be one promising path to ensuring youth are able to remain in the least restrictive environment.

The population of youth in IDJJ's custody was also reshaped through a series of "recalibrations," sometimes referred to as "right-sizing," aimed at removing lower-level youth from IDJJ, refocusing IDJJ attention to best practices for youth in custody, and restoring juvenile protections to minors for offenses that were being automatically routed to the adult system.

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You just can't get past the dramatic decrease, which is phenomenal, and exactly as it should be. ... When I started doing this work five years ago, the conversation we all had was that most of these kids do not belong inside IDJJ, they simply don't belong here. And it took a lot of years for the state to recognize that and for there to be impactful legislation to reduce that number, but it's happening and that is such a huge step in the right direction.

– **Jennifer Vollen-Katz**, Executive Director, John Howard Association of Illinois

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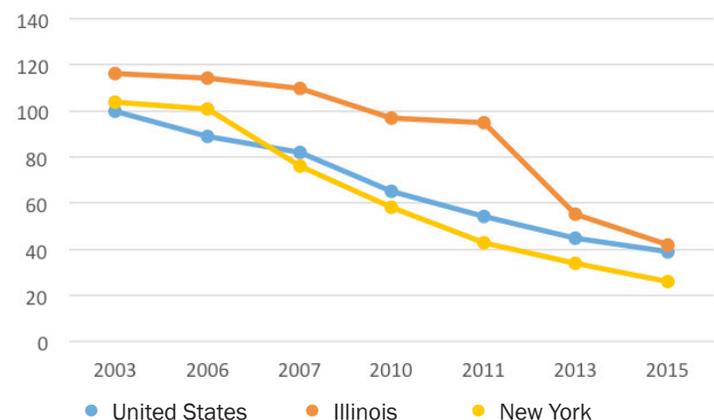
Across the country, I think there's a growing consensus that court-involved youth, to the extent reasonably possible, do not belong in institutions—they belong in the community, and I'm proud to say during the time of the pendency of the *RJ* lawsuit, the population of the DJJ continued to move down, by hundreds of youths, and facilities were closed, and, we think that the pressure of our lawsuit was a contributing factor to that downsizing of the system and we hope it continues to be.

– **Lindsay Miller**, ACLU of Illinois

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IDJJ also made legislative, litigation-related, and administrative changes to transform its post-release system from one run by adult IDOC parole agents to a more youth-centered model of community supervision called aftercare. Julie Hamos, a former member of the Illinois House who was involved in the initial formation of IDJJ, emphasized how important aftercare was to legislators' desires to create IDJJ in the first place: "We really felt the need to be strong on aftercare...to stop that revolving door and focus our attention and resources to help youth stay out and to reshape their lives." Although Hamos expressed disappointment that aftercare had not yet received all the budgetary resources it needed to be fully effective, the changes in length and style of community supervision of youth released from IDJJ, coupled with individual representation during revocation proceedings, have helped to reduce the number of youth who are committed to IDJJ on technical violations.

State/National Youth Incarceration Trends  
(State-Operated Placement Rate Per 100,000)



Illinois' reduction in youth incarceration has struck some observers as unusually fast, but the state remained well behind national reductions for several years after its founding, only recently approaching the national average.<sup>67</sup>

## ***Significant reforms impacting the population of incarcerated youth***

### ***Limit new admissions of low-level youth (“front door” reforms)***

- ❖ created and expanded realignment program, Redeploy Illinois (state funding for local alternatives to incarceration);<sup>68</sup>
- ❖ adopted a “least restrictive” requirement, instructing judges to review evidence that reasonable efforts for alternative placements were made before committing youth;<sup>69</sup>
- ❖ eliminated juvenile commitments due to status offenses, misdemeanors, and certain low-level felonies;<sup>70</sup>
- ❖ required multiple attempts at drug treatment prior to commitment for certain juvenile controlled substance violations;<sup>71</sup>
- ❖ reduced the application of five-year mandatory minimum probation terms for juvenile forcible felonies (narrowing probation violation admissions pipeline);<sup>72</sup>

### ***Prevent re-admissions after release (“revolving door” reforms)***

- ❖ implemented IDJJ-run aftercare pilot (to replace IDOC agents);<sup>73</sup>
- ❖ expanded aftercare pilot statewide;<sup>74</sup>
- ❖ ended use of prison-based parole violation program (misnamed “Halfway Back”);<sup>75</sup>
- ❖ opened several Day Reporting Centers to provide for elevated services and intermediate sanction;<sup>76</sup>
- ❖ limited the amount of time youth spend on juvenile parole or aftercare status;<sup>77</sup>
- ❖ provided attorneys to youth at aftercare revocation hearings;<sup>78</sup>
- ❖ reduced use of negative disciplinary approaches (such as solitary confinement) that increase recidivism;
- ❖ required youth with pending adult charges to be bonded or held locally, rather than automatically returned on juvenile violations to await criminal trial;<sup>79</sup>

### ***Promote timely exits from custody (“back door” reforms)***

- ❖ revised target release date calculation grid, to better reflect youth risk of reoffending and incentivize youth rehabilitation;
- ❖ assigned aftercare agent to youth upon admission, to begin working on case plans for release;
- ❖ assumed responsibility for approving community placements and host (home) sites for release housing (reducing IDOC delays and denials);
- ❖ granted IDJJ statutory authority to release youth held for indeterminate juvenile commitments (reducing Prisoner Review Board hearing and placement delays);<sup>80</sup>
- ❖ removed most mandatory minimum sentences for minors in criminal court;<sup>81</sup>

### ***Expand youth access to juvenile court in lieu of closed-off adult systems (“open window” reforms)***

- ❖ ended automatic transfer of youth to adult court for drug offenses within geographic enhancement zones;<sup>82</sup>
- ❖ raised the age of juvenile jurisdiction to include 17-year-olds charged with misdemeanors (“Raise the Age - Part I,” 2010);<sup>83</sup>
- ❖ raised the age of juvenile jurisdiction to include 17-year-olds charged with felony offenses (“Raise the Age - Part II,” 2014);<sup>84</sup>
- ❖ expanded use of juvenile court hearings to transfer of youth to adult court: ended automatic transfer (excluded jurisdiction) for youth under 16, and limited it to a few specific offenses for 16- and 17-year-olds.<sup>85</sup>

## Contemporary IDJJ Population

	The First Ten Years		Today
	June 2006 <sup>86</sup>	June 2016 <sup>87</sup>	December 2017 <sup>88</sup>
<b>Prisons</b>	8	6	5 <sup>89</sup>
<b>Capacity</b>	1,774	1,274	920
% Unused Facility Capacity	15.6%	69.3%	53.9%
<b>Total Staff Headcount</b>	1,207 <sup>90</sup>	924 <sup>91</sup>	(est.) 939 <sup>92</sup>
<b>Number of Incarcerated Youth</b>	1,497	390	424
Avg. Age	16.8	17.2	17.2
% Youth of Color	67.6%	78.2%	81.1%
% Female	7.6%	3.8%	5.2%
% Class 3 Felony or Below	40.8%	23.1%	16.7%
% Held on Adult Conviction	6.8%	6.2%	4%
<b>Admissions (Fiscal Year)</b>	2,549	1,493 <sup>93</sup>	n/a
% for Release Violations	38.8%	39% <sup>94</sup>	n/a
<b>Youth on Parole/Aftercare</b>	2,076	580	425
Avg. Age	18.1	18.2	18.4
% Youth of Color	67.2%	77.1%	79.9%
% Female	8.7%	3.6%	3.8%
% Class 3 Felony or Below	39.9%	17.4%	12.9%
<b>Budget</b>	\$116,646,650 <sup>95</sup>	\$121,036,585 <sup>96*</sup>	(est.)\$121,411,300 <sup>97</sup>

### *Increasing Racial Disparities*

Though the number of youth committed to IDJJ has decreased, the proportion of youth of color in prison has risen 20% since the agency's founding. Racial and ethnic disparities that grow as commitments decrease are not an Illinois-specific phenomenon, but the comparative incarceration rate by race is particularly stark in Illinois.<sup>98</sup> Potential causes of the state's large and growing disparity are numerous and complex and will be explored in more depth in a future brief. However, it is clear that youth are not equitably benefiting from reductions in arrests and prosecutions, or from increased use of incarceration alternatives.

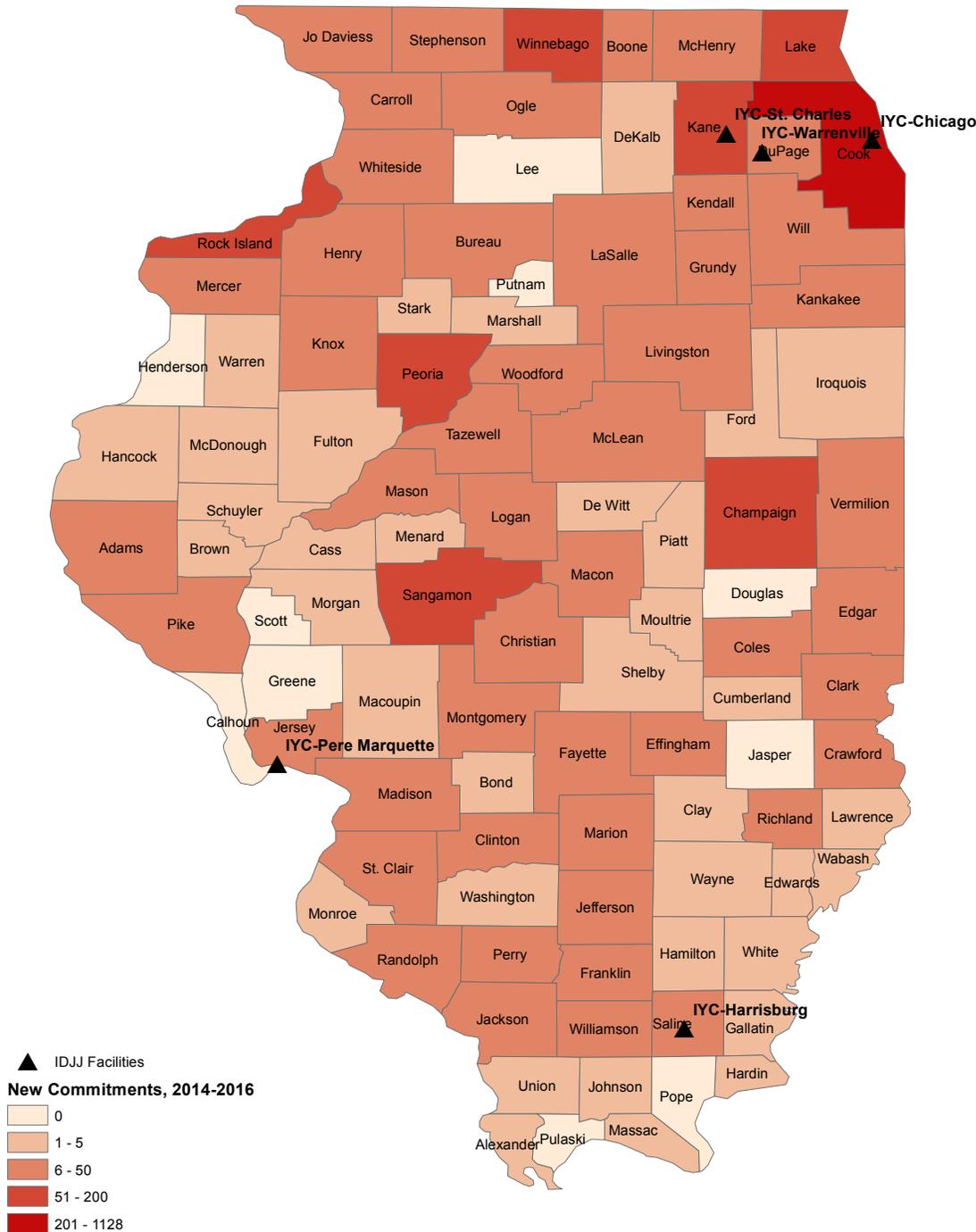
### *Incarcerated Youth are Far From Their Homes, Families and Communities*

Despite the overwhelming decrease in the number of youth incarcerated at IDJJ, a deeper dive into the most recent years of available data on admissions at IDJJ (2014-2016) reveals startling disparities in terms of geography (both in terms of prison location and in relative rates of commitments between counties).<sup>99</sup> The mismatch between population centers and prison locations puts additional strain on a large number of youth and families, while very high rates of commitment in some counties may indicate that community-based diversion options may lag behind other areas of the state.

The map below depicts the raw number of youth each county has committed to IDJJ custody over a three-year period, as well as the locations of the five IDJJ youth centers (IYC-Chicago, IYC-St. Charles, IYC-Warrenville, IYC-Pere Marquette, and IYC-Harrisburg).

IYC-Harrisburg, one of IDJJ's largest prisons, is located almost at the opposite end of the state from the counties that send the largest number of youth to IDJJ (Cook, Champaign, Peoria,

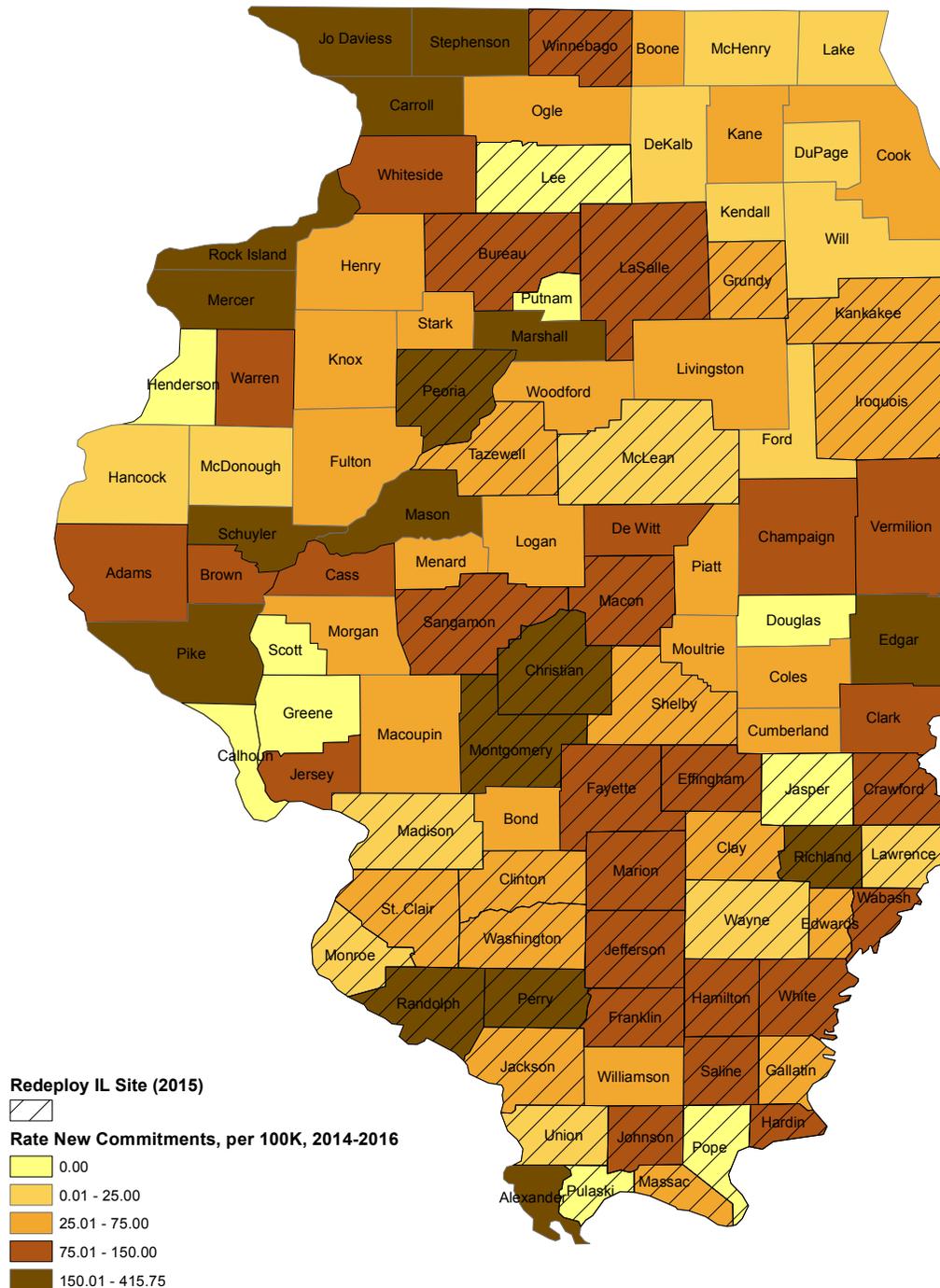
Rock Island, Sangamon, Winnebago). Even if a Chicago family had access to a car and time away from work and childcare duties, relatives would find it very difficult to visit a youth imprisoned at IYC-Harrisburg: a simple one-hour Saturday visit would require over 12 hours of time and \$75 in gas money alone.<sup>100</sup> Geographic distance exacerbates the obstacles that families face in maintaining or building strong relationships with youth while incarcerated, much less participating in therapy sessions, impeding the reentry process.



## Youth Diversion is Inconsistent

Geographic disparities are also revealed in the second map, below. Some counties do not send many youth to IDJJ custody in absolute numbers, but do so at a substantially higher rate than average. This map reveals that some courts are disproportionately electing to send youth to state prisons (at no cost to local counties), as opposed to intervening with rehabilitation services in youths' home communities. It should be noted that some smaller counties with very high rates

of commitments may have committed only few youth in this three-year period. For example, Schuyler County committed just four youth in the years 2014-2016. Most of the other high-rate counties, however, committed at least 10 youth in this period. Some counties committed considerably more; Rock Island County, for example, committed 84 youth in the same three-year period. In fact, six of the ten largest-population counties outside of the metro Chicago region (Winnebago, Champaign, Sangamon,



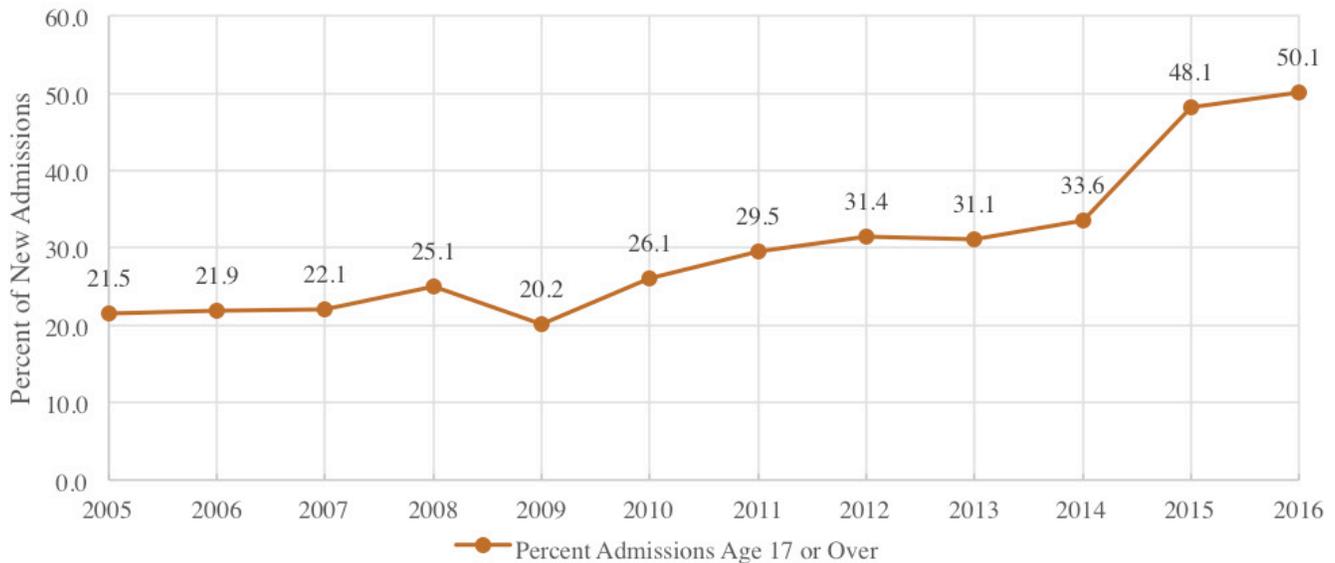
Peoria, Rock Island, and LaSalle) committed youth to state custody at *rates* that were more than double the national average.<sup>101</sup>

Information about which counties were active with Redeploy Illinois in 2015 (prior to the budget crisis) is also provided on this map, noted by counties with stripes. As discussed above, Redeploy Illinois is a state grant program providing money to help pay for youth rehabilitation services in counties that agree to reduce the number of children sent to state

prisons. Restored funding may mean that counties that had been forced to discontinue their Redeploy-funded programs may re-start them in the near future, but 2018 participation in Redeploy is not yet available.

Together, the data portray a state youth prison system that, while greatly reduced in size, is still plagued by geographic court commitment disparities, indicating that lower-level youth continue to be admitted to state incarceration.

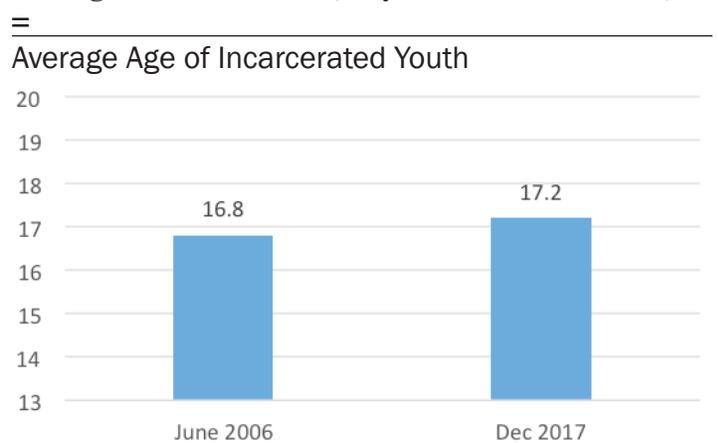
### Youth Are Older Upon First Entry – But About the Same Age Overall



Increased diversion of younger and lower-level youth, statutory requirements requiring more attempts at less restrictive alternatives prior to incarceration, changes to automatic adult transfer, and raising the age of juvenile jurisdiction to include 17-year-olds have had an effect on the age of youth who are newly-committed by Illinois courts. By 2016, the proportion of youth admitted to IDJJ at the age of 17 and up had more than doubled the rate at the time of IDJJ’s creation.

However, statutory change to eliminate admissions of youth over 18 with pending adult charges, the implementation and redesign of aftercare affecting the number of youth who are recommitted, and a different approach to post-release placement have had a counterbalancing effect. The proportion of youth who “age out” of

prison at 20 or 21 – with little or no supervised community stabilization upon release – has been significantly reduced. Therefore, although youth who enter IDJJ for the first time are a bit older, the overall population of youth who are inside IDJJ has become only 4 or 5 months older, on average (from 16.8 to 17.2 years old, 2006-2017).



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## Summary

- ❖ The Illinois Department of Juvenile Justice was established in 2006 in order to restore – and advance – the original rehabilitative purpose of juvenile court, by addressing youth-specific needs.
- ❖ Challenges arising out of adopting new youth populations and new approaches were not insurmountable as feared; declining crime and policy reform eliminated the perceived need to build new capacity in youth prisons.
- ❖ Abandoning punitive practices adopted from the adult Illinois Department of Corrections has been a slow and difficult process for IDJJ.
- ❖ Significant legislative, administrative, and litigation-driven changes have helped to support the department’s practice shifts and have contributed to a significantly smaller and better-run department than at the time of founding.
- ❖ Results of reforms to date, while positive, are reaching the limit of their efficacy, as the large-scale correctional institutions themselves obstruct efforts to establish rehabilitative, family-centered and community-based approaches.

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- ❖ Elizabeth Clarke, President, Juvenile Justice Initiative
- ❖ Annazette Collins, lobbyist; former Illinois State Senator and Representative; former co-chair, IDJJ transition team
- ❖ Julie Hamos, Principal, Health Management Associates; former Illinois State Representative
- ❖ Mariame Kaba, Founder and Director, Project NIA
- ❖ Lindsay Miller, Staff Attorney, ACLU of Illinois
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- ❖ Adam Schwartz, Senior Staff Attorney, Electronic Frontier Foundation; former Staff Attorney, ACLU of Illinois
- ❖ George Timberlake, Chair, Illinois Juvenile Justice Commission; retired judge
- ❖ Jennifer Vollen-Katz, Executive Director, John Howard Association of Illinois
- ❖ Paula Wolff, Director, Illinois Justice Project; former co-chair, IDJJ transition team

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1 For a lengthy discussion of desistance from youth crime and the safety benefits of juvenile court, see ILLINOIS JUVENILE JUSTICE COMMISSION, *RAISING THE AGE OF JUVENILE COURT JURISDICTION* at 21-23 (2013), available at <http://ijjc.illinois.gov/rta>. See also Edward P. Mulvey, et al, *Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders*, 22 DEV. PSYCHOPATHOLOGY 453 (2010); Kathryn C. Monahan, et al, *Trajectories of Antisocial Behavior and Psychosocial Maturity from Adolescence to Young Adulthood*, 45 DEV. PSYCHOLOGY 1654 (2009).

2 “Adult-style prisons that emphasize confinement and control are devoid of the essentials required for healthy adolescent development — engaged adults focused on their development, a peer group that models prosocial behavior, opportunities for academic success, and activities that contribute to developing decision-making and critical thinking skills. At the same time, these facilities provide too many of the elements that exacerbate the trauma that most confined youth have already experienced and reinforce poor choices and impulsive behavior.” Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*, NATIONAL INSTITUTE OF JUSTICE, NEW THINKING IN COMMUNITY CORRECTIONS BULLETIN 4 (2016) (internal citation omitted) (hereinafter “NIJ Bulletin”). See also NATIONAL ACADEMY OF SCIENCES, *REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH* 126 (Richard J. Bonnie, et al, eds.) (2013). “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.*

3 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*, 130 Quarterly Journal of Economics 759-803 (2015). See also Richard A. Mendel, *NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION*, ANNIE E. CASEY FOUNDATION (2011).

4 Russell H. Levy, *Reception and Diagnostic Center of the Illinois Youth Commission*, 18 JUVENILE AND FAMILY COURT JOURNAL 12-15 (1967).

5 Note on language: Following juvenile justice conventions contemporary to the founding of IDJJ, the State of Illinois uses youth-specific correctional terms. While adults are said to be incarcerated in prisons inside of cells arranged into cell-blocks overseen by a warden, youth are often said to be committed to “youth centers” where they live in “rooms” arranged into “dorms” overseen by a “superintendent.” These naming conventions, along with the crucial practice of referring to residents as “youth” instead of “inmates,” are intended to reduce stigma and criminal identity, which are important operational goals. However, they complicate communicating with the public: youth are not being sent away to nature camp, nor to the kind of “youth center” one might imagine hosting an afterschool program. Two of the three recently-decommissioned youth prisons now hold incarcerated adults. They are prisons.

6 Robert E. Shepherd, Jr., *The Juvenile Court at 100 Years: A Look Back*, 6 JUV. JUST. 13, 13 (1999).

7 *Id.* at 15–16. See also Daniel P. Mears, et al., *Public Opinion and the Foundation of the Juvenile Court*, 45 CRIMINOLOGY 223, 226 (2007). “Punishment was considered a goal of the juvenile court, but the primary mission was to ensure that youth received the services and resources needed to help improve their behavior.” *Id.*

8 Barry C. Feld, *The Juvenile Court Meets the Principle of the Offense: Legislative Changes in Juvenile Waiver Statutes*, 78 J. CRIM. L. & CRIMINOLOGY 471, 474 (1987).

9 GEORGE W. KIEFER, *STAFF-TRAINING IN THE ILLINOIS YOUTH COMMISSION, FINAL REPORT, VOLUME III* (1968).

10 For a description of harsh and abusive conditions in Illinois industrial schools (such as racial segregation, solitary confinement in the dark while naked, physical punishment, sexual abuse, and substantiated claims of beatings by staff, including a youth at St. Charles in 1941 who died from his injuries), see JOAN GITTENS, *POOR RELATIONS: THE CHILDREN OF THE STATE IN ILLINOIS, 1818-1990* (1994) at 137-45.

11 Levy, *supra* note 4.

12 At the time of IDJJ’s founding, juvenile corrections in 23 states and Washington, D.C. were run by social services or child protection agencies; 15 states had a standalone juvenile corrections agency; 10 other states were combined with the adult system; and New Jersey’s system was combined with other public safety departments under the state attorney general. Patrick Griffin and MELANIE KING, *NATIONAL OVERVIEWS, STATE JUVENILE JUSTICE PROFILES 2005*, NATIONAL CENTER FOR JUVENILE JUSTICE 377 (2006).

13 ESTHER S. SCOTT, *TAKING A THERAPEUTIC APPROACH TO JUVENILE OFFENDERS: THE “MISSOURI MODEL”* (2009), at <http://missouri-riapproach.org/history/>.

14 Levy, *supra* note 4.

- 15 ILLINOIS SECRETARY OF STATE, ILLINOIS STATE ARCHIVES, *Illinois Department of Corrections* (website), available at: <http://archon.ilsos.net/?p=creators/creator&id=36>.
- 16 See, e.g. NATIONAL INSTITUTE OF JUSTICE, DIRECTORY OF PUBLIC TRAINING SCHOOLS 37–41 (1971) (documenting dozens of forestry camps and specialized schools used by the Illinois Department of Corrections Juvenile Division during this period).
- 17 The number of total prisoners in Illinois grew by four times between 1979 and 2000 and the number of state prisons grew from 12 to 40. SARAH LAWRENCE & JEREMY TRAVIS, THE NEW LANDSCAPE OF IMPRISONMENT: MAPPING AMERICA’S PRISON EXPANSION 24 (2004). The number of youth incarcerated as juveniles in Illinois also dramatically increased in this period; between 1993 and 1998, the total juvenile commitments increased 77%, from 1,700 to almost 3,000 a year. ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, TRENDS & CHARACTERISTICS OF YOUTH ADMITTED TO THE ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, 1993–2013 1 (Nov. 2014), <https://www.illinois.gov/idjj/Documents/IDJJloyolaBulletinfinalversionNovember2014.pdf>.
- 18 IL. GEN. ASSEMBLY HOUSE OF REP. DEBATE TRANSCRIPT 100 (Nov. 3 2005) (edited for clarity); see also 112–13.
- 19 *Id.* at 91.
- 20 *Id.* at 87.
- 21 730 ILL. COMP. STAT. 5/3-2.5-1.
- 22 730 ILL. COMP. STAT. 5/3-2.5-5.
- 23 *Id.*
- 24 NIJ Bulletin, *supra* note 2 at 2.
- 25 IL. GEN. ASSEMBLY HOUSE OF REP. DEBATE TRANSCRIPT 95 (Nov. 3, 2005).
- 26 ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, *About Us* (website) (accessed Jan. 2018), at: <https://www.illinois.gov/idjj/Pages/AboutUs.aspx>.
- 27 Aizer and Doyle, *supra* note 3.
- 28 See, e.g., Edward J. Latessa, et al, EVALUATION OF OHIO’S RECLAIM PROGRAMS, CENTER FOR CRIMINAL JUSTICE RESEARCH (2014) (showing recidivism reductions for high-risk youth in alternatives to incarceration); Shaena M. Fazal, SAFELY HOME: REDUCING YOUTH INCARCERATION AND ACHIEVING POSITIVE YOUTH OUTCOMES FOR HIGH AND COMPLEX NEED YOUTH THROUGH EFFECTIVE COMMUNITY-BASED PROGRAMS, YOUTH ADVOCATE PROGRAMS POLICY & ADVOCACY CENTER (2014).
- 29 ILLINOIS MODELS FOR CHANGE BEHAVIORAL ASSESSMENT TEAM, REPORT ON THE BEHAVIORAL PROGRAM FOR YOUTH COMMITTED TO ILLINOIS DEPARTMENT OF JUVENILE JUSTICE 6 (July 2010).
- 30 E.O. 2006-6 (March 31, 2006).
- 31 STATE OF ILLINOIS AUDITOR GENERAL, DEPARTMENT OF JUVENILE JUSTICE, COMPLIANCE EXAMINATION – GENERAL OFFICE, FOR THE TWO YEARS ENDED JUNE 30, 2008, 84-88 (2009).
- 32 ILLINOIS JUVENILE JUSTICE COMMISSION, ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY FOR CALENDAR YEARS 2007 AND 2008 (February 2009) (hereinafter “IJJC 2009 Report”) at 20; JOHN HOWARD ASSOCIATION OF ILLINOIS, STAFFING LEVELS IN THE ILLINOIS DEPARTMENT OF JUVENILE JUSTICE (2009) (hereinafter “JHA STAFFING REPORT”) at 1.
- 33 IJJC 2009 REPORT, *supra*, at 19-20.
- 34 JHA STAFFING REPORT *supra*, at 1.
- 35 STATE OF ILLINOIS AUDITOR GENERAL, DEPARTMENT OF JUVENILE JUSTICE, COMPLIANCE EXAMINATION – GENERAL OFFICE, FOR THE TWO YEARS ENDED JUNE 30, 2008 (2009).
- 36 IJJC 2009 REPORT, *supra*, at 19-20. See also, ILLINOIS JUVENILE JUSTICE COMMISSION, YOUTH REENTRY IMPROVEMENT REPORT (2011), *infra*.
- 37 IJJC 2009 REPORT, *supra*, at 19-20 (estimating 150% capacity).
- 38 STATE OF ILLINOIS, DEPARTMENT OF JUVENILE JUSTICE COMPREHENSIVE MASTER PLAN FINAL REPORT 3 (2006).
- 39 IJJC 2009 REPORT, *supra*.
- 40 *Suicides Behind Bars*, CHICAGO TRIBUNE (May 25, 2010), [http://articles.chicagotribune.com/2010-05-25/news/ct-met-juvenile-list-20100525\\_1\\_hanged-suicides-incarcerated](http://articles.chicagotribune.com/2010-05-25/news/ct-met-juvenile-list-20100525_1_hanged-suicides-incarcerated) (recounting seven youth deaths by suicide at Illinois youth

prisons between 2000-2009, as well as 175 suicide attempts classified as serious).

- 41 ILLINOIS MODELS FOR CHANGE BEHAVIORAL ASSESSMENT TEAM, REPORT ON THE BEHAVIORAL PROGRAM FOR YOUTH COMMITTED TO ILLINOIS DEPARTMENT OF JUVENILE JUSTICE 10-12 (July 2010), at [https://www.macfound.org/media/article\\_pdfs/Report\\_Behavioral\\_Health\\_Program\\_for\\_Youth\\_Committed.pdf](https://www.macfound.org/media/article_pdfs/Report_Behavioral_Health_Program_for_Youth_Committed.pdf).
- 42 See Complaint, *M.H. v. Monreal*, No. 1:12-cv-08523 1 (N.D. Ill.) (filed Oct. 23, 2012); Consent Decree, *M.H. v. Monreal*, No. 1:12-cv-08523 (N.D. Ill.) (filed Aug. 28, 2014).
- 43 Complaint, *R.J. v. Bishop*, No. 1:12-cv-07289, 1 (N.D. Ill.) (filed Sept. 12, 2012).
- 44 See Agreed Proposed Remedial Plan, *R.J. v. Bishop*, No. 1:12-cv-07289 (N.D. Ill.) (filed March 14, 2014).
- 45 ALLEN J. BECK ET AL., SEXUAL VICTIMIZATION IN JUVENILE FACILITIES REPORTED BY YOUTH, 2012, BUREAU OF JUSTICE STATISTICS 4, 12, 15–19 (June 6, 2013), <https://www.bjs.gov/content/pub/pdf/svjfry12.pdf>.
- 46 *Id.* Note that 13.7% of 451 responding youth reported at least one incident of staff sexual misconduct. *Id.* at 18-19.
- 47 Lisa Jacobs, Illinois Juvenile Justice Commission, *Testimony to the Illinois House Restorative Justice Committee* (July 30, 2013), available at: <http://ijjc.illinois.gov/publications/2013-testimony-illinois-house-restorative-justice-committee>.
- 48 KINSALE MANAGEMENT CONSULTING, PROTECTING YOUTH FROM SEXUAL VICTIMIZATION IN ILLINOIS DEPARTMENT OF JUVENILE JUSTICE FACILITIES (October 2013), available at <https://www.illinois.gov/idjj/Documents/IDJJReportFinal10.23.13.pdf>.
- 49 ILLINOIS DEPARTMENT OF JUVENILE JUSTICE ANNUAL REPORT 2016 15, <https://www.illinois.gov/idjj/SiteAssets/Pages/AboutUs/IDJJ%202016%20Annual%20Report%20-%20Final.pdf> (hereinafter “IDJJ 2016 Annual Report”).
- 50 *Illinois Youth Center at Murphysboro*, COMMISSION ON GOVERNMENT FORECASTING & ACCOUNTABILITY, <http://cgfa.ilga.gov/Resource.aspx?id=1305> (noting that Murphysboro closed Jan. 4, 2013); *Illinois Youth Center at Joliet*, COMMISSION ON GOVERNMENT FORECASTING & ACCOUNTABILITY, <http://cgfa.ilga.gov/Resource.aspx?id=1305> (noting that Joliet closed Feb. 22, 2013); LESLIE HELMCAMP, VOICES FOR ILLINOIS CHILDREN FISCAL POLICY CENTER, ISSUE BRIEF: INVEST IN YOUTH – NOT PRISONS 1 (August 2016) (reporting that IYC-Kewanee closed on July 31, 2016).
- 51 *Illinois Youth Center - Joliet Facility Data*, ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, [https://www.illinois.gov/idjj/pages/joliet\\_yc.aspx](https://www.illinois.gov/idjj/pages/joliet_yc.aspx); *Illinois Youth Center - Kewanee Facility Data*, ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, [https://www.illinois.gov/idjj/pages/kewanee\\_yc.aspx](https://www.illinois.gov/idjj/pages/kewanee_yc.aspx); *Illinois Youth Center - Murphysboro Facility Data*, ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, [https://www.illinois.gov/idjj/Pages/Murphysboro\\_IYC.aspx](https://www.illinois.gov/idjj/Pages/Murphysboro_IYC.aspx).
- 52 IDJJ 2016 ANNUAL REPORT, *supra* note 50 at 3; ILLINOIS DEPARTMENT OF JUVENILE JUSTICE MONTHLY REPORT MAY 2017 3, <https://www.illinois.gov/idjj/SiteAssets/Pages/Data-and-Reports/Public%20Monthly%20Report%20-%20May%202017.pdf>.
- 53 Juvenile arrests have declined sharply in Illinois over the past decade. According to the Illinois State Police Criminal History Record Information (CHRI) data, approximately 50,000 (49,174) juvenile arrests for felonies and Class A and B misdemeanors occurred in 2006. In 2016, that number had fallen by more than half, to 21,493 total arrests. ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY (ICJIA), JUVENILE ARRESTS (CHRI), available at: [http://www.icjia.state.il.us/research/overview#tab\\_research-data](http://www.icjia.state.il.us/research/overview#tab_research-data).
- 54 ILLINOIS DEPARTMENT OF JUVENILE JUSTICE 2015 OPERATING PLAN SUMMARY, *Improving Youth Outcomes*, available at: <https://www.illinois.gov/idjj/Documents/DJJ%202015%20Strategic%20Plan%20March%202020%202015.pdf>.
- 55 *Id.* at 3.
- 56 IDJJ launched the Youth Assessment Screening Instrument (YASI) and CaseWorks planning tools in 2015. IDJJ 2016 ANNUAL REPORT, *supra* note 50 at 14.
- 57 To comply with the *R.J. v. Bishop (Mueller)* consent decree, IDJJ banned the use of solitary confinement for the purpose of punishment, and constrained its duration in other circumstances in 2016. IDJJ 2016 ANNUAL REPORT, *supra* note 50 at 14.
- 58 See ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, PREVENTION OF SEXUAL VICTIMIZATION & PRISON RAPE ELIMINATION ACT, (website) (accessed January 2018), <https://www.illinois.gov/idjj/Pages/PrisonRapeEliminationAct.aspx> (providing abuse reporting hotline, PREA audits, and PREA monitor contact information).

- 59 Aftercare began as a pilot program in 2011, and was authorized statewide in 2014. *IDJJ Aftercare*, ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, <https://www.illinois.gov/idjj/Pages/IDJJ-Aftercare.aspx>.
- 60 *Independent Ombudsman*, ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, <https://www.illinois.gov/idjj/Pages/IndependentOmbudsman.aspx>.
- 61 IDJJ 2016 ANNUAL REPORT, *supra* note 50 at 1.
- 62 Pub. Act 93-641, eff. Dec. 31, 2003.
- 63 REDEPLOY ILLINOIS OVERSIGHT BOARD, REDEPLOY ILLINOIS ANNUAL REPORT: IMPLEMENTATION AND IMPACT (May 2007), *available at*: <http://www.dhs.state.il.us/page.aspx?item=33334>.
- 64 Pub. Act 98-60, eff. Jan. 1, 2014.
- 65 Mark Brown, *State Budget Impasse Over, but Not Social Service Agency Pain*, CHICAGO SUN-TIMES (Oct. 16, 2017).
- 66 Sophia Tareen, *Illinois Budget Fight Erodes Programs Helping At-Risk Teens*, STATE JOURNAL-REGISTER (June 5, 2016). <http://www.sj-r.com/article/20160605/NEWS/160609765>
- 67 Children and Family Justice Center analysis of: MELISSA SICKMUND, ET AL, OJJDP EASY ACCESS TO THE CENSUS OF JUVENILES IN RESIDENTIAL PLACEMENT (2017), *available at*: <http://www.ojjdp.gov/ojstatbb/>.
- 68 Pub. Act 93-641 (eff. Dec. 31, 2003); Pub. Act 95-1050 (eff. Jan. 1, 2006).
- 69 Pub. Act 97-362 (eff. Jan. 1, 2012).
- 70 Pub. Act 99-268 (eff. Jan. 1, 2016) (status offenses and misdemeanors); Pub. Act 99-628 (eff. Jan. 1, 2017) (low-level felonies listed in 705 ILCS 405/5-710(7.6)).
- 71 Pub. Act 99-879 (eff. Jan. 1, 2017).
- 72 *Id.*
- 73 “In April 2011, seven Aftercare Specialists began working with incarcerated youth from Cook [County]. In August 2011, the Department of Juvenile Justice expanded the number of Aftercare Specialists in Cook County to 22.” ILLINOIS JUVENILE JUSTICE COMMISSION, YOUTH REENTRY IMPROVEMENT REPORT 32 (2011), *at* <http://ijjc.illinois.gov/reentryimprovementreport>.
- 74 Public Act 98-0558 (eff. Jan. 1, 2014).
- 75 The conclusion of the “Half-Way Back” program at IYC-Chicago was not publicly reported, but occurred in 2014.
- 76 In 2016, IDJJ began opening Day Reporting Centers. IDJJ 2016 ANNUAL REPORT, *supra* note 50 at 17.
- 77 Pub. Act 99-268 (eff. Jan. 1, 2016).
- 78 Consent Decree, *M.H. v. Monreal*, No. 1:12-cv-08523 (N.D. Ill.) (filed Aug. 28, 2014).
- 79 Pub. Act 99-268 (eff. Jan. 1, 2016).
- 80 Pub. Act 99-628 (eff. Jan. 1, 2017).
- 81 Pub. Act 99-0258 (eff. Jan. 1, 2016).
- 82 Pub. Act 94-0574 (eff. Aug. 12, 2005).
- 83 Pub. Act 95-1031 (eff. Jan. 1, 2010).
- 84 Pub. Act 98-0061 (eff. Jan. 1, 2014).
- 85 Pub. Act 99-0258 (eff. Jan. 1, 2016).
- 86 ILLINOIS DEPARTMENT OF CORRECTIONS FY06 ANNUAL REPORT, 34-35.
- 87 IDJJ MONTHLY REPORT JUNE 2016; IDJJ MONTHLY YOUTH PROFILE JUNE 2016.
- 88 *Preliminary IDJJ Monthly Report, December 2017* (correspondence on file).
- 89 IYC-Kewanee ceased operating as a juvenile prison on August 1, 2016, *see* note 51, *supra*.
- 90 JHA STAFFING REPORT *supra* note 32, at 1.

91 FY2017 estimated total agency headcount across all programs and funding sources, of which 748.7 FTE were budgeted for facility operations. OFFICE OF THE GOVERNOR, ILLINOIS STATE BUDGET FISCAL YEAR 2018, at 289. As of June 30, 2016, the agency employed 610 security staff. IDJJ JUNE 2016 MONTHLY REPORT, at 3. Headcount comparisons may be complicated by changes in shared services with IDOC (e.g., the shift from IDOC parole to IDJJ aftercare).

92 OFFICE OF THE GOVERNOR, ILLINOIS STATE BUDGET FISCAL YEAR 2018, at 289 (estimating FY18 target headcount).

93 ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, SUMMARY OF STATE FISCAL YEAR 2015 ADMISSIONS TO THE ILLINOIS DEPARTMENT OF JUVENILE JUSTICE FACILITIES 5.

94 *Id.*

95 ILLINOIS DEPARTMENT OF JUVENILE JUSTICE 2015 ANNUAL REPORT at 5 (FY2007 General Revenue Fund Appropriation).

96 FY2007 Final General Revenue Fund (GRF) Appropriation as of August 10, 2007. EXECUTIVE OFFICE OF THE GOVERNOR OFFICE OF MANAGEMENT AND BUDGET, *Enacted Appropriations by Line Item FY16 and FY17*, (spreadsheet), available at: <https://www.illinois.gov/gov/budget/Pages/BudgetBooks.aspx>.

97 OFFICE OF THE GOVERNOR, ILLINOIS STATE BUDGET FISCAL YEAR 2018, 288 (2017) (recommended appropriation from the general revenue fund).

98 While Illinois is not the only state in which racial disparities grew as population fell, overall racial and ethnic disparities for youth in state custody narrowed nationwide between 1997-2013. *See generally* W. HAYWOOD BURNS INSTITUTE, *STEMMING THE RISING TIDE: RACIAL & ETHNIC DISPARITIES IN YOUTH INCARCERATION & STRATEGIES FOR CHANGE (2016)*.

99 IDJJ Admissions Data: CFJC requested and obtained the most recent (1993-2016) county-level admissions data for IDJJ from the Illinois Criminal Justice Information Agency (ICJIA). These data disaggregate admissions by race, age (13-16 and 17-20), committing county, type of commitment (new, court evaluation, or technical parole violation), and offense type (felony or misdemeanor, and type of crime (e.g., property crime). Unless otherwise noted, the figures presented derive from this database. In addition to graphing IDJJ admissions data longitudinally, ArcGIS software was used to visualize county-level IDJJ admissions data from the most recent three years (2014-2016). In the first map of Illinois, total counts of new admissions for youth aged 13-20 from the past three years are presented, with the locations of the IDJJ youth prisons layered on top of them. In the second map, new admissions counts are normalized by population, and the rate of admissions per 100,000 youth aged 13-20 in each county is presented. This rate was calculated by dividing the average count of admissions over 2014-2016 by the population of each county in 2015 and then multiplying that rate by 100,000. The county-level population data for youth aged 13-20 was obtained via Easy Access to Juvenile Populations (EZAPOPOP) databases, which draws on national survey data provided by the National Center for Health Statistics. National Center for Juvenile Justice, <https://www.ojjdp.gov/ojstatbb/ezapop/>. Layered on the second map are markings for those 46 counties with Redeploy Illinois sites, as of 2016. REDEPLOY ILLINOIS, REDEPLOY PROGRAM SITES AND COUNTY ELIGIBILITY 2016 (Jan. 12, 2016), <http://www.dhs.state.il.us/OneNetLibrary/27897/documents/CHP/RedeployIllinois/RedeployIL-2016Map11216.pdf>.

100 Calculated at 666 miles round-trip, average fuel economy of 25 mpg, and \$2.81/gallon (Cook County average, January 2018, [www.gasprices.aaa.com](http://www.gasprices.aaa.com)).

101 National rate of commitments to state-operated placement facilities in 2015 (most recent year available) was 39 per 100,000. The six counties named had rates over 100 youth per 100,000 in calendar year 2016.