

# Juvenile Justice Initiative of Illinois

## National Report Highlights Redeploy Illinois *Redeploy Illinois Improves Public Safety While Saving Dollars*

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A new report demonstrates that states improve public safety and save millions of dollars by investing in community-based alternatives. The research brief was released in May by the Justice Policy Institute (JPI), a participant in the John D. and Catherine T. MacArthur Foundation's *Models for Change* juvenile justice initiative. The *Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, highlights Redeploy Illinois as a key example of a successful state program to reduce juvenile justice spending without compromising public safety.

***Evidence-Based Programs in Community Highly Successful:*** The policy brief outlines how states can see a net reduction in costs with an increase in public safety by moving expenditures away from large residential facilities, including juvenile prisons, and shifting the dollars to evidence-based community programming. This "resource realignment" produces better results for communities, taxpayers, and children. "Expanding access to treatment, improving parole policies and practices, and reducing the number of nonviolent youth and adults that are incarcerated can help states cut costs in the short-term, and also increase the long-term economic productivity and health of communities," said Tracy Velázquez, executive director of JPI.

The brief notes that the biggest states, including Illinois, are "realigning fiscal resources away from ineffective and expensive state institutions, and towards more effective community-based services." Redeploy Illinois is highlighted in the brief as one of these programs, noting that in the first three

years of implementation, the initial sites diverted 382 youth from commitment in a state juvenile prison, lowering the number of commitments by 51 percent in those sites. Similar programs in Ohio, California, New York, Pennsylvania, and Wisconsin were also highlighted.

***Confinement is Costly and Ineffective:*** The brief notes that youth who are imprisoned have higher recidivism or reoffending rates than those youth who remain in their communities, are less likely to naturally "age-out" of illegal behavior, suffer from more mental illness, are at higher risk of suicide, and are less likely to succeed at education and employment at the same level than youth who were never incarcerated.

***Illinois Could "Redeploy" More Youth:*** The research found that nationally two out of every three (67 percent) delinquent cases involved non-person offenses, making the case that states spend billions on incarcerating nonviolent youth who could be managed safely in the community.

In Illinois, statistics reveal that a majority of youth held in the Department of Juvenile Justice are non-violent offenders.

In Illinois, almost 47 percent of youth held in custody are committed for non-violent crimes. Nearly one-third score "low-risk to reoffend" while another one-third score "moderate-risk to reoffend." There is a large pool of youth who could be more effectively treated in the community and at much less cost than incarcerated.

A copy of the full brief from the Justice Policy Institute can be found at: [www.justicepolicy.org](http://www.justicepolicy.org)

## Legislative Updates

The Governor and General Assembly have made critical changes in juvenile justice reform in 2009.

Within the past 8 months, the Illinois General Assembly and Governor enacted a change in the age of juvenile court jurisdiction, made Redeploy Illinois a permanent program, paved the way for reforms in juvenile parole, and improved the process for juvenile expungements.

The following provides a summary of these major reform measures:

### **Raising the Age of Juvenile Jurisdiction**

Senate Bill 2275 was signed into law on February 10, 2009. Public Act 95-1031 increases the juvenile court age to 18 for juveniles charged with a misdemeanor. Illinois joins 38 other states and the District of Columbia that consider 18 as the age of adult jurisdiction for misdemeanors. Senate Bill 2275 does not change the age for felonies, but it does create a task force to examine issues involving funding of juvenile services as well as raising adult jurisdiction for felonies from age 17 to age 18. The change in jurisdiction for misdemeanors becomes effective on January 1, 2010.

### **Redeploy Illinois Becomes Permanent Program**

Senate Bill 1013 was signed into law on April 7, 2009. Public Act 95-1050 removes the “pilot status” of Redeploy Illinois and permits the state to offer the program beyond the pilot counties and make it more accessible to approximately 70 less populated counties previously excluded because they have low numbers of delinquent youth. Redeploy Illinois provides financial incentives to counties to treat delinquent youth in their home communities at far less expense and with greater success than sending them to the Department of Juvenile Justice (DJJ). During the first 3 years of the pilot program, the four pilot sites sent approximately 400 fewer youth to the DJJ, a reduction of 51 percent in these sites. The bill becomes effective January 1, 2010.

### **Improving the Effectiveness of Reentry of Youth Offenders**

On August 11, 2009, the Governor approved Senate Bill 1725 with a minor change of a year delay in the reporting period. The legislation directs the Juvenile Justice Commission to study juvenile offenders released from state custody but later returned for parole violations, and to recommend steps the state could take to help young offenders successfully complete the terms of their parole. These measures are aimed at reducing recidivism by young offenders and improving the safety of their home communities. The General Assembly is scheduled to consider the one year delay in the reporting date during the fall Veto Session in October.

### **Process for Juvenile Expungements Improved**

Senate Bill 1030 was signed into law on August 25, 2009. Public Act 96-0707 improves the process for juveniles with arrests for misdemeanor offenses to clear their records. The Act provides for a hearing to be held when a juvenile with a first offense misdemeanor turns 18 or upon completion of their sentence, whichever comes later. If local prosecutors do not file limited objections as outlined in the law, expungement will be automatic. The limited objections that could be considered by a judge include: if the arrest was for a homicide, an offense involving a deadly weapon, a sex offense, or aggravated domestic battery; if the offense for which the minor was arrested is still under active investigation; or if the minor is a potential witness in an upcoming court proceeding. The Act also prohibits the transfer of confidential juvenile arrest records from the Department of State Police to the Federal Bureau of Investigation to help further prevent the unnecessary release of confidential juvenile data.

For more information regarding legislation, please visit: [www.ilga.gov](http://www.ilga.gov).

## Update on the Department of Juvenile Justice

### DJJ Experiences Second Death in a Year

On September 1, 2009, a youth was found dead at the Illinois Youth Center in St. Charles. This is the second death at a DJJ facility within the past year. As reported by WBEZ Chicago Public Radio, "The 16 year old died early Tuesday morning at the Illinois Youth Center in St. Charles. It's a state facility that holds about 300 male youths. Published reports say the Kane County Coroner's office determined the teen died of a self-inflicted injury."

The Daily Herald editorial on September 18, 2009 responded to this death with the following statement: **"Just about everything about this death in a state, taxpayer-funded facility remains unclear. And that ought to alarm us all. That ought to outrage every single one of us."** The newspaper noted **"Some guardian somewhere failed to protect that boy. And now he is gone. And the state's silence is an abomination."**

### Auditor General's Report on DJJ

On September 8, 2009, the Illinois Auditor General released a Compliance Examination for the Illinois Department of Juvenile Justice. This report covered two years of operations ending on June 30, 2008.

The audit included 25 findings, including 4 findings "involving internal control that they considered to be material weaknesses." As defined in the audit, a "material weakness is a significant deficiency in the

internal control that results in more than a remote likelihood that material noncompliance will not be prevented or detected by the Department's internal control."

One of the significant findings noted that the Department "failed to satisfy the legislative intent of its appropriation authority for the hiring of front line staff during fiscal years 2007 and 2008." Overtime pay in the agency nearly doubled from 2007 to 2008.

The report also noted the department did not utilize a federal grant to purchase computers, stating that "the department did not provide incarcerated youths the potential to acquire the skills that could help them gain employment upon release."

The audit included the following selected activity measures for the Department:

8 YOUTH CENTERS	FY08	FY07
Average Daily Population	1,364	1,428
Rated Capacity	1,754	1,754
Population Under Capacity	(390)	(326)
Average Annual Costs	\$78,846	\$70,915
<b>SERVICE EFFORTS</b>		
Percentage of juveniles returned to youth centers after three years	52.9%	54.9%

## JJI Hosts CLE Series

### JJI Mini-Afternoon Nuts & Bolts of Juvenile Justice CLE Series

**Monthly hour-long teleconferences provide updates in caselaw, legislation, and research on juvenile justice practice in Illinois. Experts provide background on current issues and answer questions. Approximately 1 CLE hour of credit for each session.**

**Registration fee is \$35 per session. Partial scholarships are available upon a written request. To register, email: JJICLE@yahoo.com or call JJI at: 217-522-7970. Teleconference sessions provided monthly from 2 p.m. — 3 p.m. on the following dates: Thursday, October 8th; Thursday, November 12th; and, Thursday December 10th.**

## What is Working Around Illinois

By Lisa Jacobs

*Models for Change* is a national initiative funded by the John D. and Catherine T. MacArthur Foundation to accelerate reform of juvenile justice systems across the country ([www.modelsforchange.net](http://www.modelsforchange.net)). Focused on efforts in four core states, including Illinois, the initiative aims to create replicable models for reform that effectively hold young people accountable for their actions, provide for their rehabilitation, protect them from harm and provide meaningful opportunities for positive youth outcomes.

*Models for Change* efforts in Illinois are focused statewide through grants to a wide variety of organizations and entities, including advocacy organizations such as the Juvenile Justice Initiative. The initiative also relies upon lessons learned in five demonstration sites that include: Cook County, DuPage County, Ogle County, Peoria County, and the 2nd Judicial Circuit. These sites are utilizing a wide array of strategies to support local reform and, in doing so, are creating a diverse menu of approaches underway in Illinois. The summaries below highlight some of these strategies.

### **Cook County**

Cook County's *Models for Change* project builds upon the highly successful Juvenile Detention Alternatives Initiative by developing ways to improve the outcomes of youth in detention alternatives. This work is led by Youth Outreach Services (YOS), a community-based social service agency. With *Models for Change* support, evening reporting center staff has been equipped to use a reliable, "evidence-based" screening tool called MAYSI-2 (Massachusetts Youth Screening Instrument-Second Version) to assist juvenile justice practitioners in identifying youths with special mental health needs.

This new screening process has produced remarkable information not previously gathered, utilized, nor acted upon to link youth and families with community-based mental health services which can keep youth out of detention while reducing recidivism and improving outcomes for families and the communities in which they live. Currently, YOS is documenting this model for replication in other reporting centers in Cook County and across the state.

In their next phase of work, YOS will be developing intervention strategies in domestic battery cases, with an emphasis on keeping youth and family members safe and resolve crises without overreliance on secure detention.

### **DuPage County**

DuPage County has invested in the principle that treating youth in the community is better for community safety and costs less than incarceration. Despite being one of the largest counties in Illinois, DuPage utilizes its secure detention facility and commits youth to the Illinois Department of Juvenile Justice at consistently low rates. Instead, DuPage County leaders have focused on keeping youth in trouble with the law in the community through a continuum of effective, cost-efficient and reliable treatment options. Even when youth are detained, they participate in an intense, youth-focused program which incorporates principles of Restorative Justice, behavior modification, social skills training, cognitive behavioral interventions, motivational enhancement theory, and dialectical behavior therapy – all geared to reduce their risk of re-offending and successfully return to their communities.

For its *Models for Change* work, DuPage County has taken on distinct and challenging issues, including developing specialized approaches with youth involved both in child protection and delinquency systems. A recent summit on dual jurisdiction highlighted very successful efforts in Addison between local law enforcement, the probation department and Lutherbrook, a local residential center for boys who have been removed from their homes due to abuse or neglect. The collaboration has resulted in new policies and practices governing when to involve police in problems at the group home, using more effective conflict-resolution tools and ideas for new training resources for staff, resulting in promising decreases in detention admissions and length of stay in the first several months of this work. The collaboration has also engaged police in positive youth programming at the facility such as soccer, baseball, and cookouts.

DuPage County stakeholders are also developing strategies to increase family involvement, support and accountability, improve interventions with youth charged with sex offenses, and enhance outcomes for youth involved in the justice system due to family violence and conflict.

### **Ogle County**

Ogle County is building a model for local governance, accountability, and decision-making through its Juvenile Justice Council, which has taken on the challenge of developing a juvenile justice system in which victims, offenders, and the community work together, seek better alternatives for troubled youth, and focus on the future. The

## What is Working Around Illinois Continued...

Council has increased its membership to ensure diverse representation and conducted a community assessment and analysis.

The results are promising. Ogle County's probation leaders and the Illinois Balanced and Restorative Justice Project have teamed up to enhance the use of restorative justice practices which can divert youth from formal system involvement and keep community members involved constructively in the juvenile system. Local educational leaders have worked with the Council to develop alternatives to out of school suspensions which leave youth unsupervised and disconnected from their school work. Ogle County leaders have executed a policy agreement to allow better mental health screening and service linkages to prevent youth from entering the justice system due to undetected mental or behavioral health problems, while implementing safeguards to protect a youth's rights against self-incrimination. The Council has enhanced mechanisms for youth to expunge delinquency records and is continually improving their website, public materials, and community outreach efforts to provide more clear, user-friendly information about the local juvenile justice system and resources for parents to obtain help and support. As the Models for Change work continues, a key goal will be to ensure that state policy, practice, and resource allocation supports the kind of leadership and accountability Ogle County leaders are modeling so successfully.

### Peoria County

Peoria County's Models for Change work involves broad system analysis, strengthened local partnerships, and new linkages among juvenile justice initiatives underway in Peoria County. One area of focus has been to analyze system data on abused or neglected youth who were being disproportionately detained and for longer periods than necessary in the delinquency system. Peoria project leaders gathered and analyzed system data on these dually-involved youth and, based on this analysis, are developing collaborative practices with the Illinois Department of Children and Family Services to identify DCFS wards entering detention, so that these youth could be linked with community-based services more effectively.

In addition to its Models for Change work, Peoria County

has been actively involved in other juvenile justice reform efforts, including reducing disproportionate minority contacts, reducing detention admissions and length of stay through the Juvenile Detention Alternative Initiative, reducing commitments to the state Department of Juvenile Justice through Redeploy Illinois, and increasing the use of balanced and restorative justice practices to decrease delinquency referrals from schools. Involvement in these projects has revealed opportunities for ~ and a strong local

**"Models for Change has created pivot points for juvenile justice reform in Illinois."**

**Diane Geraghty, Director of the Loyola Civitas ChildLaw Center, Lead entity for the MacArthur Foundation's Models for Change initiative in Illinois**

commitment to ~ broader systemic analysis and improvement through a strengthened Juvenile Justice Council. Among the local stakeholders' priorities is developing effective, locally-appropriate strategies to divert youth from unnecessary formal

system involvement and instead link them with community-based resources which more effectively address underlying causes of delinquency.

### 2nd Judicial Circuit

The 2nd Judicial Circuit entered the Models for Change initiative with a strong, vibrant local Juvenile Justice Council focused on ongoing system improvement. Among their successes are implementation of balanced and restorative justice practices that divert youth from the justice system, annual programs that draw hundreds of participants from across the 12 counties that comprise the circuit, and a variety of innovative, collaborative delinquency prevention and intervention efforts among system and community stakeholders. However, this work quickly revealed that stakeholders lacked easy access to the information needed to make decisions in individual cases and struggled to get the aggregate data needed to determine the impact of varied policies and programs.

With blended support from Models for Change and Redeploy Illinois, the 2nd Circuit has developed, piloted, and implemented a new data platform, called JWATCH, which provides the information individual probation officers need about the youth involved in the delinquency system and - as importantly - creates the aggregate data the system stakeholders need to know what works, what doesn't, and how their local goals can be achieved. This data platform is now being readied for implementation statewide.

For more information on Models for Change, visit:  
[www.modelsforchange.net](http://www.modelsforchange.net).



## The Impact of Accelerated Release Programs

As most states and local governments struggle with economic challenges, sentencing and prison policies are receiving attention as possible ways to contain costs.

The National Council on Crime and Delinquency reviewed 13 studies of accelerated release programs and their impact on public safety in a number of states and Canada over a 23-year period. **The studies revealed no significant difference in the rates of recidivism among accelerated release and full-term prisoners. In some cases, early release prisoners had lower rates of recidivism than full-term prisoners.** To reach their website, go to: [www.nccd-crc.org](http://www.nccd-crc.org).

A recent report from the Vera Institute, “The Fiscal Crisis in Corrections: Rethinking Policies and Practices,” reviews state corrections budgets and common strategies, citing efforts to reduce the rate at which offenders return to prison and accelerating the release of low-risk inmates. To access the report, go to: [www.vera.org/content/fiscal-crisis-corrections-rethinking-policies-and-practices](http://www.vera.org/content/fiscal-crisis-corrections-rethinking-policies-and-practices)

The National Conference of State Legislatures July 2009 report, “Cutting Corrections Costs: Earned Time Policies for State Prisoners,” also explores cost-cutting policies that speed release of inmates who complete programs and activities designed to increase their chance of success once they return to the community. The report summarizes several research studies that find that earned time policies can save substantial funds while maintaining or reducing recidivism rates. Incentive programs in Washington, Kansas, and Pennsylvania are highlighted in the report, focused on the importance of programming and reduced recidivism rates for those participating. The report can be found at: [www.ncsl.org/?tabid=18216](http://www.ncsl.org/?tabid=18216).

In Illinois, almost 47percent of youth held in custody are committed for non-violent crimes. Nearly one-third score “low-risk to reoffend” while another one-third score “moderate-risk to reoffend.” There is a large pool of youth who could be more effectively treated in the community and at much less cost than incarcerated.

## The Impact of Incarceration

On August 18, 2009, R. Dwayne Betts visited the Cook County Temporary Juvenile Detention Center. The youth who met with him listened intently, realizing that he spoke from experience.

Mr. Betts is a poet and author. His recent book “*A Question of Freedom: A Memoir of Learning, Survival, and Coming of Age in Prison*,” details his experience as a 16 year-old in Virginia after being transferred to adult court and convicted of six felonies. He served his 9-year sentence in some of the worst prisons in Virginia.

Prior to meeting with the youth in the detention center, Mr. Betts shared portions of his book and his perspective with an audience of over 100 practitioners and advocates. He shared the impact that incarceration has on a teenager.

“A Question of Freedom” is a first-person vivid account that illustrates how a good student raised by a single mother can make “an egregious error” that impacted his life forever. In five different prisons, Betts read books, wrote journals, and learned to love poetry.

**“I skipped the 12th grade and went to prison.”**

**R. Dwayne Betts**

Since his release from prison, Betts married, with a 20-month-old son, is enrolled as a graduate student at Warren Wilson College. He has started a book club in the Washington D.C. area called YoungMenRead and is a national spokesman for the Campaign for Youth Justice.

# Mental Health Juvenile Justice Initiative

According to a project funded by the National Institute of Mental Health, 66 percent of youth involved in the juvenile justice system had a diagnosable psychiatric condition.

The Mental Health Juvenile Justice (MHJJ) program administered by the Illinois Department of Human Services' Division of Mental Health was designed to meet the needs of youth, with mental health needs involved in the juvenile justice system. The program began as a pilot project in 4 counties in 2000. Based on its initial success, the MHJJ Program has since expanded to all Illinois counties with a juvenile detention center and 34 counties.

The Division of Mental Health funds 21 local community agencies to employ a specially trained, MHJJ liaison to work with the local Juvenile Courts and Juvenile Detention Centers. MHJJ Liaisons are Masters level clinicians who assess each youth for the presence of serious mental illness. The liaison develops a treatment plan outlining needs, strengths, community services, and funding. The MHJJ program provides linkages to substance abuse treatment, family therapy, psychiatric services, educational advocacy, job training, psychological assessment, court advocacy, group therapy, individual therapy, recreational therapy, and mentoring.

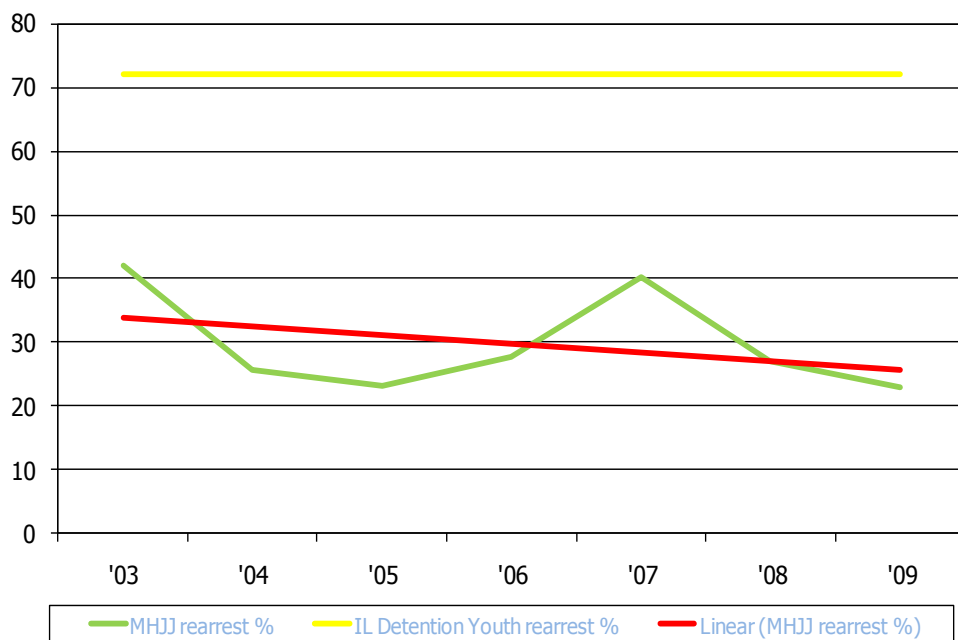
Since the MHJJ program's inception in 2000:

- Over 12,000 Children Referred for Screenings.
- Over 5,500 Children Identified as Having Significant Mental Health Issues.

- Over 4,500 of These Children Received Community Treatment.

According to program evaluation results of the MHJJ program by the Mental Health Services & Policy Program at Northwestern University Feinberg School of Medicine, when youth with mental illnesses involved in the juvenile justice system receive community treat-

## Re-arrest Rate of MHJJ Youth vs. Illinois Youth In Detention



ment, their clinical symptoms improve, their school attendance goes up, and their recidivism or reoffending rate goes down dramatically. As the chart below shows, the re-arrest rate for youth in detention is 72 percent while the re-arrest rate for those involved in the MHJJ program in 2009 is slightly over 20 percent.

The evaluation showed that youth with affective and psychiatric disorders can be accurately identified and linked to community-based services. This vital screening, assessment, treatment planning, and linkage not only results in clinical improvement but also with reduced likelihood of re-arrest. With relatively inexpensive interventions, these youth can be more effectively served with mental health services with better long-term outcomes.

# Using Balanced & Restorative Justice Effectively

By: Sally Wolf

Balanced and Restorative Justice (BARJ) is being used as a tool to resolve conflicts and hold youths accountable for their actions in a growing number of communities in Illinois. Word of their success has encouraged others to consider similar techniques in their local communities and schools.

- In a classroom at Peoria Manual High School, six high school students sit together in a circle. One of them is there because of misdeeds in a school classroom. Together they talk, passing a “talking piece.” The Peer Jurors ask questions: “What were you thinking at the time? What have you thought about it since? Who do you think was affected by what you did? What should you do to repair the harm?” No one sits in judgment of anyone else. Together they come to a consensus of what needs to be done.

“Victims are being satisfied, and communities are feeling safer.”

Sally Wolf

- Elsewhere in Peoria, Kiefer School, the day treatment alternative school for much younger students who cannot cope in regular classrooms, uses circles in some of its classrooms. The students say they like it because it makes the classroom seem safer to them. They don’t worry about who is behind them. They are learning to talk out their frustrations.
- In Paxton, a community group meets in the evening for an accountability conference. Two young boys are there because one fired a BB gun and broke the windshields of several passing cars while the other boy watched. Someone is there representing the community. Six people who were in the four cars are also in attendance. One woman who was driving alone brings her 6-year-old son. She says to the boys: “This is my son. One of your BBs went right through the car seat where he sits. If he had been in the car with me, you would have killed him. I want you to meet him.” At the end, the boys agree to pay for all the damage. The group agrees that the two people without insurance who cannot afford to have their windshields fixed should get paid their restitution first. The others will wait. The boys promise to pay everyone within one month, plus do community service.
- In southeastern Illinois’ Second Judicial Circuit, another community conference is held following a bomb threat. The boy responsible had written the note and then changed his mind, but the note fell out of his backpack and was found. The boy said he

had been “bullied and was at his wits’ end” and had written the note in anger and frustration at the world he felt could not protect him. The community came together in support of him and worked with him to make their community a safer place. The school principal, a teacher, the custodian, chief of police and fire chief all participated in creating the details of the agreement made that evening.

- At Focus House, a group home affiliated with Ogle County Probation in northern Illinois, residents sit in a circle learning better ways to resolve conflict. Passing a talking piece, they discuss how they have been affected by harm done and how best to resolve the challenges of living in a group home. During an outing when the youth are camping, it turns rainy for an entire day. The youth ask for a circle so they can decide what to do.

The success may have been summed up best by restorative

justice facilitator Valerie Holbrook, who told *The Crawford County Daily News*: “When there’s an offense to someone, there must be reparations for that crime. Often times when cases go to court, the victims of crime don’t have a say in how that crime is resolved. [Restorative justice] gives the victim and the community a voice in how the situation is resolved. The process is used to talk about the offense, how the people have been affected, and come up with a plan to repair the harm.”

In a growing number of communities and schools, BARJ practices are being used to reduce numbers of youth entering the juvenile justice system, the numbers entering detention centers, and the numbers of youth being suspended from schools.

“BARJ is holding young people accountable for harm that was caused, not just the rules or laws that were broken,” said Sally Wolf, who directs the Illinois BARJ Project (IBARJP).

“From Chicago to Decatur to Lawrenceville in southern Illinois, young people who cause harm are meeting those who have been harmed,” Wolf said. “They are given the opportunity to learn empathy. Peer juries are teaching peer jurors as well as those involved in crimes that there are better ways of solving conflict and holding accountability. BARJ is truly a justice that heals and builds!”

IBARJP is working with communities to assist with training and technical assistance. For further information please contact Sally Wolf at 217-714-8864 or at: [sally-wolf@ibarji.org](mailto:sally-wolf@ibarji.org).



## Detention Alternatives Part of Comprehensive Reform

A recent report from the Annie E. Casey Foundation illustrates the impact of reducing youth detention through two decades of juvenile justice reform. *Two Decades of JDAI: From Demonstration Project to National Standard*, documents the Juvenile Detention Alternatives Initiative's (JDAI) progress both in reforming juvenile detention practices nationwide and also in contributing to the larger movement for more comprehensive reforms in juvenile justice.

The report points out the negative long-term life outcomes of detention for youth:

“Research shows that youth who spend time in custody are less likely to complete high school, less likely to avoid re-arrest, less likely to find employment, and less likely to form stable families. They are also more likely to abuse drugs and alcohol. Placement in locked detention—particularly if it leads to a lengthy period of correctional custody—interrupts the natural maturational process through which most young people age out of delinquent behavior.”

The report highlights the impact of JDAI through improvements in public safety and saving taxpayers millions of dollars. The report attributes several factors to contributing to the ongoing juvenile justice reform

**“Research and practice have revealed that locking up kids only makes matters worse. Treatment approaches provided in their own communities provide a much more meaningful and long-term impact on the youth and our society.”**

**Retired Judge George Timberlake**

changes nationwide, including the decrease in juvenile crime rates, new research revealing that “treating juvenile offenders as adults exacerbates crime,” and that “experience and research have also shown that “traditional youth corrections is expensive and ineffective.”

The report notes that a number of “evidence-based, non-residential treatment programs have proven far more effective than incarceration, at a fraction of the cost.”

For a copy of the full report, go to: [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org).

## Update on Implementation of Changes Made to Right to Counsel

Public Act 95-0846 was signed in to law on August 15, 2008 and became effective on January 1, 2009. This law provides that the court shall cause counsel to be appointed at the time a petition is filed, and that a detention or shelter care hearing cannot be held until the minor has had an adequate opportunity to consult with counsel. This new law allows the defense attorney adequate time to meet and interview the minor and family prior to the detention hearing to provide the best options and outcome for the juvenile.

The Juvenile Justice Initiative, the John D. and Catherine T. MacArthur Foundation's Models For Change Initiative, The Children and Family Justice Center of Northwestern School of Law, The Law Office of the Cook County Public Defender, and the Illinois Criminal Justice Information Authority are all working together to help implement the early access to counsel in PA 95-086 through distribution of materials, meetings, and technical assistance.

The working group has held meetings across the state and is working with individual jurisdictions on implementation. The group is beginning a series of conference calls for juvenile public defenders. Please contact Liz Kooy at 773-316-7327 if you are interested in the implementation of this new law.

## New European Standards Setting the International Stage

In 2008, the Council of Europe adopted new rules for sanctions for juveniles in the justice system. The European Rules for Juvenile Offenders Subject to Sanctions or Measures (“The European Rules”) augment existing international law (Convention on the Rights of the Child, and related documents) and European rules on Human Rights. The new European Rules were developed to address the member nations increasing tensions between youth rights and rule of law within nations struggling with rising unemployment, youth disaffection, and unrest within minority communities.

**The European Rules require that sanctions/punishment be subject to the Principle of Proportionality.** In other words, sanctions must be individualized and tailored to the youth’s individual circumstances: they must depend on the gravity of the offense committed, and take into account the youth’s age, physical and mental well-being, development, capacities and personal circumstances.

The Rules require that measures be tailored to individual young people, implanted without undue delay, and follow the principle of minimum intervention.

The Rules stress the importance of **effective Reintegration Services**. Nations are encouraged to encourage cooperation and planning between detention/prisons and community services, with France’s system of *éducateurs* as an example. They are encouraged to consider half-way programs like the Netherlands’ nighttime detention where youth are released to school/jobs during the day. Vocational programming is emphasized, as in the public-private partnerships that gave rise to the hubs of juvenile confinement/transition/and vocational training centers across Spain. Communication

with the outside world – family, community, newspapers, magazines, news programs on television are all cited as critical to successful reintegration. Nations are urged to utilize evidence-based programming, and to encourage family visits with youth in the institutions and visits by youth to their family as part of a transition back into the community.

**Independent Review to Ensure Safety:** Finally, safety within juvenile facilities is also covered in the Rules with an emphasis on regular and independent inspection and monitoring. The Rules note that juveniles must have access to an independent procedure to lodge complaints about treatment.

The Rules encourage nation states to examine treatment of youth age 18-25, taking into consideration that “the age of legal majority (18) does not necessarily coincide with the age of maturity, so that young adult offenders may require certain responses comparable to those for juveniles.”

Juveniles must be able to participate effectively in proceedings whereby measures are imposed and implemented and be entitled to enjoy all their rights, including privacy, throughout the proceedings. A multi-disciplinary and multi-agency approach is necessary to ensure an holistic approach and the continuity of care of juveniles; the staff concerned must be trained and sufficient resources must be provided to ensure that intervention in juveniles’ lives is meaningful. All sanctions imposed should be subject to regular inspection and monitoring. The document also provides extensive guidance on the conditions of detention which must be provided for by law, set out in policy and observed in practice in all member states.

## Lessons from Portugal

In April 2009, the CATO Institute in Washington, D. C., released a white paper examining seven years of data related to the “decriminalization” of drugs in Portugal. According to the report, “the data show that, judged by virtually every metric, the Portuguese decriminalization framework has been a resounding success.”

On July 1, 2001, a nationwide law took effect in Portugal that decriminalized all drugs. Drug possession and use are still legally prohibited, but violations are only administrative violations where treatment and/or fines may be imposed, not in the criminal arena. Drug trafficking continues to be a criminal offense.

Seven years after implementation, data show no adverse effect on drug usage rates, in fact the rates decreased slightly while drug related pathologies (eg. death, disease) decreased dramatically. The report notes that the decriminalization in part enabled the Portuguese government to enhance treatment programs offered to its citizens.

For a copy of the full report, visit: [www.cato.org](http://www.cato.org).

## Asking for Your Support

The Juvenile Justice Initiative is pleased to provide a broad constituency of juvenile justice practitioners, advocates and community providers with the latest information on research, legislation and systemic reforms in juvenile justice in Illinois. Like everything else, it has become more costly to provide these services.

The Juvenile Justice Initiative is an independent, non-governmental advocacy entity that exists on contributions from foundations and individuals. Through the printing of research reports, newsletters, and a website, as well as the provision of workshops and conferences, we have been able to share current research and legislative information. The Juvenile Justice Initiative has worked diligently to keep costs down, but we need your support to continue to provide you with information. Please consider a donation to JJI so we can keep providing you with timely information on juvenile justice issues.

In an effort to update our database, please fill out the form below and return it with your donation. Please call us if you have any questions at: 217-522-7970.

### Juvenile Justice Initiative Donation Form

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address for online notification of news & events: \_\_\_\_\_

Please mail this form and cash, check or money order payable to:

Juvenile Justice Initiative  
413 West Monroe  
Springfield, Illinois 62704

Donation to Support mailings of JJI Newsletters:	\$35
Juvenile Justice Initiative Friend:	\$50
Juvenile Justice Initiative Supporter:	\$100
Juvenile Justice Initiative Patron:	\$500

Thank you for your support!

# Juvenile Justice Initiative

[www.jjustice.org](http://www.jjustice.org)

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## Resources

- ◆ **Act 4 Juvenile Justice**  
[www.act4jj.org](http://www.act4jj.org)
- ◆ **Campaign for Youth Justice**  
[www.campaignforyouthjustice.org](http://www.campaignforyouthjustice.org)
- ◆ **Coalition for Juvenile Justice**  
[www.juvjustice.org](http://www.juvjustice.org)
- ◆ **Illinois Balanced and Restorative Justice**  
[www.ibarji.org](http://www.ibarji.org)
- ◆ **Illinois Juvenile Defender Resource Institute**  
[www.iljuveniledefenders.org](http://www.iljuveniledefenders.org)
- ◆ **Justice Policy Institute**  
[www.justicepolicy.org](http://www.justicepolicy.org)
- ◆ **Juvenile Detention Alternatives Initiative Help Desk**  
[www.jdaihelpdesk.org](http://www.jdaihelpdesk.org)
- ◆ **Juvenile Justice Initiative:**  
[www.jjustice.org](http://www.jjustice.org)
- ◆ **Models for Change**  
[www.modelsforchange.net](http://www.modelsforchange.net)
- ◆ **National Center for Mental Health and Juvenile Justice**  
[www.ncmhjj.com](http://www.ncmhjj.com)
- ◆ **National Juvenile Defender Center**  
[www.njdc.info](http://www.njdc.info)
- ◆ **National Juvenile Justice Network:**  
[www.njjn.org](http://www.njjn.org)