



John Howard Association of Illinois

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2013 Monitoring Report on IYC-St. Charles

In 2013, John Howard Association of Illinois (JHA) monitored Illinois Youth Center (IYC)-St. Charles (St. Charles), a medium-security facility for boys. St. Charles also serves as the northern Reception and Classification facility for boys in Illinois.



Vital Statistics:

Population: 283

Average Age: 17.1

Average Annual cost per youth: \$109,000

Population by Race: White (12%), Black (71%),
Hispanic (17%)

Committing offense: Murder 1%, 9 Class X felonies
7%, Class 1 felonies 21%, Class 2 felonies 35%, Class
3 felonies 18%, Class 4 felonies 14%, Misdemeanors
4%

(Source: IDJJ on 9/12/13)

Key Observations:

- St. Charles lacks adequate teaching staffing to meet minimum educational requirements for the youth in its care.
- As St. Charles now houses youth with court writs, staff are needed to escort youth to court, which leads to increased staffing shortages at the facility. As the number of staff needed varies, it creates a lack of predictability in the facility schedule, resulting in youth spending more time in their cells.
- Following JHA's 2011 and 2012 reports on IYC-Kewanee, which found a chronic lack of mental staffing for youth suffering from severe mental illness, the Illinois Department of Juvenile Justice (IDJJ) created two special treatment units at St. Charles. As of the publication of this report, these units do not provide sufficient treatment to meet the needs of these youth.

Models for **Change**
Systems Reform in Juvenile Justice

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Executive Summary

St. Charles has undergone significant changes since JHA's last monitoring report. Not only has St. Charles' overall population increased, primarily because it has absorbed youth from recently closed facilities, but IDJJ has also tasked the facility with housing special populations, including youth who have serious mental health issues and youth who have pending court cases.

By all accounts, the facility has struggled to meet the needs of its new and growing population, particularly in its school, which is currently operating on a reduced schedule. At the time of JHA's visit, the school at St. Charles had a 50 percent staffing shortage, with only 11 teachers at the facility. There is also a frequent lack of sufficient security staff at the facility due to the need to escort youth to and from court. This results in even fewer school hours and days per week because often there is not enough security staff to safely move youth through the school hallways to their classrooms.

Alongside these staffing issues, St. Charles is trying to implement a system of graduated disciplinary sanctions to decrease its use of confinement, which is the term IDJJ uses to describe segregation or solitary confinement. Despite these efforts, St. Charles continues to use confinement at a high rate compared to other facilities, and the administration admits that it has had difficulty using graduated sanctions and alternatives to confinement for youth who present serious behavior problems.

As IDJJ continues the important work of creating a system that aims to rehabilitate youth, it needs to heed the lessons of two recent assessments of the state's juvenile prisons. In June 2013, the United States Department of Justice's Bureau of Justice Statistics (BJS) released a nationwide survey of rates of sexual victimization in juvenile facilities and found that Illinois ranked among the four worst states in the country. Additionally, in September 2013, experts hired to assess education, mental health, and safety as part of federal litigation regarding allegations of unconstitutional conditions in IDJJ filed their reports. These reports will inform a plan of remediation drafted by IDJJ, and ultimately be approved or rejected by the court.¹

Like JHA's monitoring reports, these assessments highlight the need to do two difficult things simultaneously. IDJJ needs to ensure that its facilities are adequately staffed and possess the necessary resources to provide youth with safe conditions as well as sufficient educational and rehabilitative programming. At the same time, the administration must do more to ensure that it is leveraging its limited resources and existing capacities to reduce Illinois' costly reliance on incarceration. Most importantly, this includes the effective rollout of IDJJ's Aftercare Program—which promises to use community-based interventions to address the needs of paroled youth. While JHA appreciates the

¹ *R.J. v. Bishop*, Case No. 12-cv-7289, (N.D. Ill.) The plaintiff class of incarcerated juveniles is represented by the ACLU in a class action case suing the IDJJ for conditions of confinement related to medical care, mental health treatment, education, and safety and welfare issues generally and specifically. Documents related to this litigation are available at <http://www.aclu-il.org/update-in-rj-v-bishop/>.

challenges IDJJ faces in bringing about these changes, we believe they are essential to creating a system that can deliver the results that we all want: safer communities and better outcomes for justice-involved youth.

Facility Recommendations

- (1) Current understaffing at St. Charles not only undermines IDJJ's rehabilitative mission for youth in its care, but it also potentially violates youths' constitutional right to receive an education and adequate mental health treatment. Further, understaffing diminishes the institution's ability to ensure a physically safe environment for youth, and currently youth are spending more time in their cells because appropriate supervision is not available. For these reasons, JHA recommends that IDJJ should not only address the staffing shortages, but also examine its current incarcerated population, and ensure that it is doing everything in its power to return kids safely, successfully, and expeditiously to their communities.
- (2) To further reduce reliance on confinement as a consequence for unacceptable youth behavior, St. Charles' administration should continue to use a system of graduated sanctions that will address youth behavior without resorting to isolation.
- (3) Youth at St. Charles report with great frequency that staff are disrespectful and abusive, verbally and physically. Youth further claim that they do not receive responses to the grievances that they file. While JHA cannot verify these claims, we note the consistency and frequency of these reports during both 2013 visits. JHA continues to recommend that IDJJ improve reliability, oversight, and youth confidence in IDJJ's grievance process by enlisting an ombudsman to oversee the grievance system as proposed in pending legislation, Senate Bill 2352.

Please note that a separate section on the St. Charles physical plant has not been included in this report because there has not been much change since JHA's 2012 report.² Relevant information or changes to the physical plant have been noted in this report where pertinent.

School

At the time of JHA's latest visit, the school at St. Charles had a 50 percent staffing shortage, with only 11 teachers at the facility. This is down from April of 2013, at which time St. Charles reported having 15 teachers in the school, with five of them being certified special education teachers. This lack of teachers means that the school functions on a reduced schedule, both in terms of number of days per week as well as hours per day. We were told at one point that the school was running for a half day every other day.

² For a more complete discussion of the St. Charles physical plant, please refer to the 2012 JHA report on IYC-St. Charles, available at <http://thejha.org/stcharles>.

JHA was also told that the problem was due not only to understaffing of educators at St. Charles, but also to the lack of necessary security staff. Many of the youth who used to be held at IYC-Joliet on court writs (meaning they are in IDJJ custody but have pending court cases) are now housed at St. Charles. When these youth have court dates, security staff are detailed to transport them to their home counties, which is often an all-day task. Because security staff are being taken offsite, there are frequently not enough security staff on the premises for the school to run safely. Security staff are needed in school to monitor movement of youth in the hallways and between classrooms, as well as to be available to teachers who have a youth requiring a security intervention. Without enough security staff present to supervise youth in the facility school, the school cannot run.

In the education assessment filed as part of the current federal litigation of IDJJ's conditions, expert Dr. Peter Leone noted "at the facility level, the absence of school counselors, librarians, substitute teachers and administrative assistants has a profound impact on the quality of services."³ While the Leone Report found some classrooms of actively engaged students who were listening, interacting and studying materials appropriately, which JHA has also observed, its assessment of IDJJ's educational system echoes our observation of St. Charles' school: "[t]he education program in the Illinois Department of Juvenile Justice (IDJJ) facilities is inadequate. The program operates far below minimally accepted standards at comparable facilities across the country, does not appear to meet minimal standards for education as specified in the Illinois School Code, does not meet the needs of students with disabilities, and appears to violate both State regulations and Federal legislation."⁴

Vocational Programming

Currently St. Charles offers three vocational programs: woodworking, building trades, and custodial maintenance. JHA was informed by facility administration that as of December 17, 2013, there are a total of 10 youth participating in each of the three programs and that all of the programs are operating.⁵ Youth cannot be certified in these programs, but they can receive high school credit for their participation. The general lack of post secondary educational opportunities as well as lack of vocational and training programs leaves many youth idle, and worse, unable to do anything to create more opportunity for themselves upon release.⁶

As the Leone Report points out, "the career and technical education program (CTE, or vocational education) is wholly inadequate."⁷ Further, the expert's report points out that

³ *R.J. v. Bishop*, 12-cv-07289, Document #51-3, September 23, 2013, "Education Services and Supports for Students in the Illinois Department of Juvenile Justice" Peter E. Leone, Ph.D., page 3.

⁴ *Id.* at 3.

⁵ Email exchange between JHA staff and St. Charles administrators on 12/17/13 clarifying which of the programs was currently offered at the facility.

⁶ "Youth who completed either vocational training or a GED program while confined were twice as likely to be employed six months after their release (Black et al., 1996)" American Youth Policy Forum November 6, 2013, presentation "Building Postsecondary Pathways for Youth Involved in the Justice System," available at <http://www.aypf.org/wp-content/uploads/2013/11/Master-Slides.pdf>.

⁷ *Id.* note 3, pg. 11

in IDJJ “students who have received their high school diploma or GED certificate have nothing to do. Consequently, youth spend long hours mostly in their living units playing cards and watching TV. While some have jobs and participate on work crews, these assignments are not structured in a way that enables youth to earn certification and prepare for transition to the community and competitive employment. High school graduates and GED certificate recipients, with a few exceptions, do not have access to community college courses, career guidance, and adequate transitional support.”⁸

This lack of meaningful vocational training has a profoundly negative impact on public safety. A RAND Corporation study found that incarcerated individuals who receive general education and vocational training are 43 percent less likely to return to prison after their release than those who do not. Furthermore, the study found that for every \$1 investment in education and vocational programs there was a savings of \$4 to \$5 during the first three years post-release, stemming from recidivism reduction.⁹

Mental Health

In 2013, IDJJ created two units in St. Charles to house kids with diagnosed mental health issues. This followed from JHA’s monitoring that found a severe lack of mental health staffing at IDJJ’s designated mental health facility, IYC-Kewanee. At the time of JHA’s latest visit, St. Charles housed 34 special treatment youth within these two special treatment cottages.¹⁰ Unfortunately it appears that transferring the youth to St. Charles has done little to improve their situation.

As part of the federal consent decree around IDJJ’s conditions and programming, Dr. Louis Kraus, a mental health expert, evaluated IDJJ’s mental health services. While St. Charles’ administration noted that youth in the special treatment cottages receive approximately 45 minutes to one hour of individual therapy per week, the Kraus Report

⁸ *Ibid.*

⁹ See Lois M. David, Robert Bozick, Jennifer L. Steele, Jessica Saunders & Jeremy N.V. Miles, “Evaluating the Effectiveness of Correctional Education,” RAND Corporation sponsored by the Bureau of Justice Statistics (2013), available at http://www.rand.org/content/dam/rand/pubs/research_reports/RR200/RR266/RAND_RR266.pdf. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) also supports vocational training for high risk and youthful offenders. OJJDP issued a report detailing the success of CRAFT (Community Restitution and Apprenticeship Focused Training), a program that offers pre-apprenticeship training and job placement in home building and related occupations for adjudicated youth referred to it by the State Department of Florida. The program’s progress was evaluated over a four-year period and yielded several positive results. First, it was found to have a high rate of job placement for graduates. Second, the cumulative recidivism rate was only 26 percent for the program participants. Lastly, it was very successful in providing long-term follow up care for kids that had returned to the community. See Robin Hamilton & Kay McKinney, “Job Training for Juveniles: Project CRAFT,” U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1999), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/fs99116.pdf>.

¹⁰ For a full discussion of this issue, see JHA’s reports on IYC-Kewanee from 2013 and 2012, available at <http://thejha.org/kewanee>.

found that St. Charles and Kewanee “had no special treatment associated with them. The groups were no different than any groups being offered within the facility.”¹¹

The Kraus Report further noted several other systemic problems with IDJJ’s mental health system, including the fact that IDJJ does not currently employ any juvenile or adolescent psychiatrists, and that the experience, licensing, and job descriptions required of mental health professionals throughout IDJJ is deficient and to the detriment of the youth receiving mental health treatment.¹²

While IDJJ has made strides in administering the screening and assessment tools used in the Reception and Classification unit, there still seems to be ambiguity in how staff identify mental health levels, which range on a numerical scale from no mental health concerns (0), to moderate (1-3 depending on the individual staff perspective) or severe (4). The assessment of level appears to be based more on how frequently youth were seen by staff, as opposed to the actual mental health needs of youth.¹³ This lack of consistent level determination renders the scale useless in creating consistent mental health designations for youth and should be addressed immediately.

The mental health treatment of youth in IDJJ care is an ongoing problem. The lack of mental health staff, lack of appropriately licensed staff, and the lack of a psychiatrist who specializes in the age and development of this incarcerated population, all lead to an inability to effectively treat youth with mental health issues within a facility setting.

Infirmary

Facility administration informed JHA that all infirmary cells have been refitted with safety beds and furniture making the necessary physical changes to this unit complete.¹⁴ This is a step in the right direction for providing necessary safety for youth, but the issue of lack of medical professionals on staff still needs to be addressed. The doctor spends 10 hours a week at the facility, and there is currently one nurse vacancy to be filled. Until medical staffing is at the authorized levels, the youth at St. Charles are in a precarious situation in terms of having their medical needs met. Efforts should be made to get the infirmary fully staffed as soon as possible.

JHA was told by many youth that they had to submit several “sick call” forms to receive medical attention. One youth reported being confined after he was involved in an assault and that he did not receive medical attention for three days. While JHA cannot verify this allegation, this same kind of complaint was consistently brought to our attention by many youth throughout the facility. In response to these allegations, facility administration informed JHA that it is IDJJ policy that, after any youth is involved in a fight or an assault, he receives medical attention and that this medical evaluation is documented in

¹¹ Psychiatric and Mental Health Report for Consent Decree, *R.J. v. Bishop*, 1:12-cv-07289, Document #51, filed 9/23/13, pg. 13.

¹² *Id.* at 4-5.

¹³ *Id.* at 7.

¹⁴ This information was confirmed in an email to JHA staff by St. Charles administrators on 12/17/13.

each youth's medical file.¹⁵ At the time of our visit, we did not ask for access to youth medical files in order to verify the claim made by youth that no medical attention was provided after being involved in an assault. IDJJ has informed JHA that access to the relevant section of the medical files, for the sole purpose of confirming that the youth received medical attention, will be allowed in the future to verify such claims. We note and appreciate this step towards increased transparency by IDJJ in shedding light on certain policies and procedures.

Youth Concerns/Grievance System

JHA's 2013 monitoring visits highlighted a noticeable disconnect in youth/staff relationships that we have not perceived in the past few years at St. Charles. To be clear, JHA cannot confirm many of the allegations we hear from youth, and we appreciate that there are often two or more sides to any story. At the same time, youths' perceptions of how they are treated matters because they reflect common concerns and attitudes that help shape the culture of facilities and can have wider implications for programming and security.

Several youth approached JHA to discuss a lack of responsiveness from their counselors, and to share negative experiences they had with staff. This included allegations of verbal and physical abuse, as well as more specific allegations such as withholding mail, not posting commissary funds, and punishing entire units or cottages for the behavior of an individual youth.

Several youth told JHA that phone calls were too limited. Most youth reported that they are able to make calls only on a monthly basis from the pay phone. This is often cost-prohibitive for many families. Another problem with St. Charles' policies regarding phone calls is that a youth's behavioral level dictates how often he is able to place calls, with the goal of incentivizing youth to behave so that they will be rewarded with more opportunities to call home. JHA recommends that IDJJ abandon this policy. Limiting family communication as a punishment is not only unnecessarily punitive, but also counterproductive in that family engagement is an essential part of successful rehabilitation and reentry.

The issue of greatest concern to many of the youth we spoke to was that the grievance system does not work. Youth reported to us that when they approach staff to discuss problems they are told to write a grievance and put it in the grievance box. Yet, some youth told us their grievances are not responded to and that the system is "useless." Other youth told us it's not worth filing a grievance because if the problem is with a staff member, the staff member will find out that the youth filed a grievance and then things will be worse. This fear of retaliation was a common concern among the youth we spoke to.

¹⁵ Information confirmed by email to JHA staff by St. Charles administrators on 12/17/13.

It is also worth noting that this complaint was even more consistent and prevalent from youth housed in the confinement unit. One JHA volunteer was told by a facility administrator that some of the grievances youth file are “ridiculous” and do not warrant consideration or response. JHA cannot speak to whether or not these grievances are relevant or not, nor as to whether they get responded to or not despite administration’s feelings about them, what is clear is that the grievance system as currently conceived is ineffective.

Confinement

The outgoing Director of IDJJ stated that reducing confinement is one of the department’s top priorities. In the youth facilities in Illinois, confinement is used as a consequence for behavior that is typically violent or aggressive, like fighting or intimidating others. The confinement unit is a separate wing in the facility, with cells that hold only one youth. Confinement is used to isolate a youth from the rest of the population. While in confinement, youth do not participate in facility programming as a way to further punish them for behavioral transgressions.

It is JHA’s position that IDJJ (1) ban the use of confinement as a punishment and discipline in all IDJJ facilities; and (2) allow confinement to be used only for security purposes, under limited circumstances, for minimal lengths of time when youth are physically out of control and/or a present a threat to physical safety, and only for the duration that youth actually pose an imminent threat of harm to themselves or others.

In past reports, we have noted that St. Charles consistently used confinement at a high rate. As of April 2, 2012, St. Charles had used confinement a total of 792 times in the past 12 months, with 63 times in the previous month. The average length of stay in confinement was 2.25 days, up slightly from 2011. In September of 2013, St. Charles reported 2.35 days as the average length of stay in confinement, with a 37-day recording period reported to JHA (July 1, 2013 to August 6, 2013) and indicated 237 youth held in confinement during that time period. While several things may have contributed to such a large increase of youth in confinement this past summer (lack of staff, lack of programming, more youth with severe mental health issues in the special treatment cottages, and overall larger youth population), this increase is troubling by any analysis. The increased rate of use of confinement in the past year is of concern, and undercuts the rehabilitative mission of IDJJ, as well as the Director’s stated goal to reduce the use of isolation in juvenile facilities.

St. Charles is currently making use of time-out rooms, located at the front of the confinement unit. The purpose of these rooms is to provide an alternative to confinement by giving the youth an opportunity to cool down and reflect on the behavior that brought him there, without having to spend time isolated in a confinement cell. Youth are sent to time-out rooms for behavior that is physically aggressive or threatening. The purpose of these rooms is to allow youth to calm down so that they can safely reenter the general population within a short period of time. The policy is that a youth stays for up to 59 minutes in the time-out room, during which time staff come to talk to the youth about

what happened and what else may be going on in the youth's life. After the 59 minutes, staff determines whether further consequences (confinement or something else) are necessary. Anecdotally, the administration reports that the time-out rooms are helpful in controlling behavior. JHA asked the administration to provide further data on the use of the time-out rooms to track the impact the use of the rooms have on youth behavior.

Specifically, we discussed collecting the following data:

- After spending 59 minutes in the time-out room, was the youth returned to general population, put in confinement, or taken back to his cell or cottage for further time to deescalate?
- After leaving the time-out room, did the youth maintain acceptable behavior and for how long?
- If the youth returned to a time-out room or to confinement, how long after initial release from time-out room did this occur?

JHA believes that tracking this data will allow St. Charles to determine the efficacy of the time-out rooms. This data can show whether the time-out rooms and staff intervention are useful in deescalating youth's negative behavior without using long-term confinement.

Administration and staff also told us that they think the use of graduated sanctions makes sense, but they are struggling to determine and implement appropriate, situation specific consequences.

While these efforts, including use of alternatives to confinement and increased tracking on the use of confinement, are a step in the right direction, the current level of use and the conditions of confinement at St. Charles are alarming. The report issued in the federal litigation by expert Dr. Barry Krisberg discusses specific conditions in the confinement unit that are distressing.¹⁶ The Krisberg Report notes that the living conditions in facility confinement units, including the one at St. Charles, "were often harsh and substandard quality."¹⁷ And further that the cells were "generally unclean, with the noticeable smell of feces and trash in the room and in the unit corridors."¹⁸ More generally this report lays out troubling philosophical underpinnings for the use of confinement throughout IDJJ, as well as disturbing treatment of youth, unacceptable staff behavior, and a complete lack of programming that are also system-wide occurrences in IDJJ confinement units.

It is JHA's hope that the remedial plan that IDJJ will file with the court in response to the expert reports' findings and recommendations will address the use of confinement throughout IDJJ both theoretically and procedurally. To that end, JHA recommends that IDJJ ensure its facilities' administration has clear guidance on how they should be using graduated sanctions to safely reduce their use of confinement. Similarly, JHA recommends that IDJJ seek to involve frontline staff in this effort, asking for their

¹⁶ Expert report on Safety and Welfare filed in *R.J. v. Bishop*, 1:12-cv-07289, Document #51-2, filed 9/23/13, pg. 12-13.

¹⁷ *Id.* at 12.

¹⁸ *Id.* at 12.

collaboration and input on specific ways in which they can use alternatives to confinement.¹⁹

Leisure Time Activities and Volunteer Programming

Currently, St. Charles has two Leisure Time Activities (LTA) specialists. Each LTA is responsible for scheduling all leisure time activities for youth, including work-out times, organized activities, intramural sports, and use of the teen center.

The teen center is a large room containing game tables, ping-pong tables, pool tables, foosball tables, televisions, video games, and board games. According to administration, all youth in a unit go to the teen center, but can only participate in certain recreational activities based on their behavioral level. For instance, only youth with the highest behavioral level, Level A, can play videogames.

St. Charles has a variety of volunteer programs. These programs include: Bible study, youth mentoring, Story Catchers,²⁰ poetry writing, tutoring, sports competitions, and the humane society bringing animals to the facility. The new tutoring office not only helps youth improve their literacy skills, it provides a secondary source of reading material to youth who utilize the tutoring program. Youth and volunteers discussed this new office with great enthusiasm. According to the administration, there are currently 25 volunteer programs operating at St. Charles. The administration also reports 1,716 visits by volunteers at St. Charles and a total of 4,432 volunteer hours in the past year. These numbers show a dramatic positive increase from the 1,200 volunteer hours recorded at the facility in 2011.

Volunteer programming is an important way to provide youth with more experiences, mentors, and exposure to positive influences, particularly given the severe understaffing and lack of available programming. We commend the facility and the volunteers for so greatly increasing the opportunities for the St. Charles youth in this area. However, the facility has lost some volunteer programming recently. At one time, there was a horticulture program run by volunteers. As of our visit in April, there was hope that this program would restart mid-month, if volunteers were available to run it. It was still not running on September 16, 2013 due to lack of resources, including lack of staff and volunteers. This is unfortunate given the already existing greenhouse and abundance of outdoor space available for use.

¹⁹ Considering that, “[g]raduated sanctions can mean different things to different people and different systems; however, we know that graduated sanctions need to be administered quickly and must be an appropriate response to the first signs of delinquent behaviors in children and youth. Ultimately, graduated sanctions are envisioned as a multi-tiered continuum of interventions that allows the juvenile justice system to carefully match its sanction and treatment response to each youth’s offense severity, level of risk, and service needs.” Discussion of Juvenile Sanctions at the webpage of the National Council of Juvenile and Family Court Judges, available at <http://www.ncjfcj.org/our-work/juvenile-sanctions>.

²⁰ “Storycatchers Theatre is a youth development arts organization that prepares young people to make thoughtful life choices through the process of writing, producing, and performing original musical theatre inspired by personal stories.” For more information, see www.storycatcherstheatre.org

Volunteer programming is critically important at St. Charles because there is no post secondary education and very limited vocational training available to youth who have completed school. There is also a decrease in opportunity for the productive engagement of youth due to the impact of understaffing on the ability to supervise working youths. This leaves many youth with significant idle time when they could be working the grounds or doing other jobs that could teach them a skill while helping to maintain or repair the facility.²¹

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²¹ See discussion above in School section regarding importance of gaining skills or education while incarcerated, and noting concern of this inadequacy throughout IDJJ by expert Peter Leone, PhD.

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Since 1901, JHA has provided public oversight of Illinois' juvenile and adult correctional facilities. Every year, JHA staff and trained volunteers inspect prisons, jails and detention centers throughout the state. Based on these inspections, JHA regularly issues reports instrumental in improving prison conditions.

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