

# Juvenile Justice Initiative of Illinois

April, 2010

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## FISCALLY RESPONSIBLE FUNDING OF JUVENILE JUSTICE

### Targeting Scarce Resources to Support Programs that Work

Despite the fiscal crisis in Illinois, the Governor’s proposed budget slightly expanded funding for juvenile incarceration (\$146 million to the Department of Juvenile Justice), while decreasing funding for the premier alternative to juvenile incarceration, Redeploy Illinois (from \$3.2 million in FY09 to \$2.5 million proposed for FY11).

Last year, DJJ spent twice as much on staff overtime (over \$6 million, as reported to the Juvenile Advisory Board), as the state spent on Redeploy Illinois.

**Research demonstrates incarceration doesn’t work** - incarceration is no more effective than community-based supervision for youth with serious offenses, and incarceration raises the level of offending for low-level youth offenders, according to seven years of longitudinal research by the MacArthur Foundation (www.modelsforchange.net).

**The state’s current funding structure supports incarceration at more than twice the rate of community interventions combined—with the dismal result that half the youth end up back in prison.**

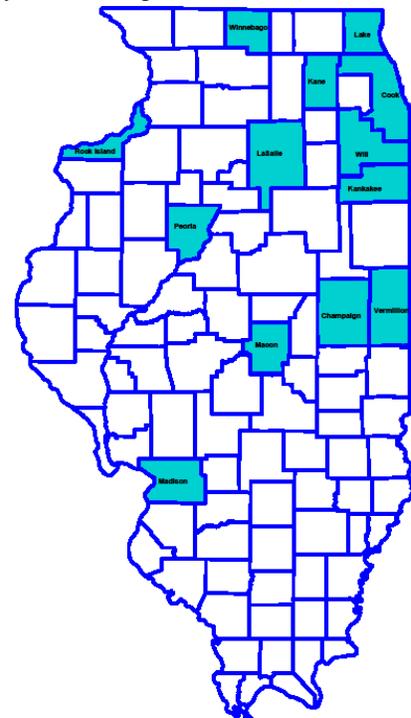
Illinois needs to shift the fiscal incentives to provide a continuum of programs at the front end, where success is possible and where costs are low, rather

than spending \$85,000 per bed on the back end where half the youth will fail.

**Funding incarceration at twice the rate of community alternatives defies research and endangers communities.** Illinois should shift its funding paradigm to invest the bulk of its money where the research shows crime can be reduced—at the community level.

**13 Counties sent 76% of the youth to state juvenile prison (DJJ)**  
Doubling the Redeploy Illinois funding could expand Redeploy to all of these 13 counties and could reduce incarceration by nearly 40%.

Illinois Top 13 Committing Counties to DJJ\*



\*Preliminary FY09 data provided by IDOC and analyzed by Dave Olsen, PhD. This map was made by Liz Kooy, Juvenile Justice Initiative.

# Legislative Update

The following provides a summary of pending legislation this spring impacting the juvenile justice system:

## Juvenile Confidentiality

**House Bill 6129 (Burns/Delgado)** - Protects arrested juveniles against incriminating themselves through any statements they make when discussing that crime in the course of a behavioral screening, assessment, evaluation, or treatment. This legislation represents a small but important step in changing a system that now leaves too many youth afraid to talk openly and freely with the professionals who can connect the youth with the most appropriate treatment and services.

## Juvenile Parole Reform

**House Bill 5914 (Collins/Raoul)** - Provides that the Illinois Juvenile Justice Commission shall develop recommendations regarding due process protections for youth during release decision-making processes, including parole and parole revocation proceedings. The bill also clarifies that the Prisoner Review Board has options other than re-incarceration for juvenile parolees who may violate a condition of parole. Those options include releasing the youth to a group home or other residential facility and modifying the original conditions of parole.

## Raising the Juvenile Court Age

**Senate Bill 3085 (Raoul/Burns)** - Provides that the Illinois Juvenile Justice Commission shall study the impact of, develop timelines, and propose a funding structure to accommodate the expansion of the jurisdiction of the Illinois Juvenile Court to include youth age 17 under the jurisdiction of the Juvenile Court Act of 1987. Provides that the Commission shall submit a report by December 31, 2011.

## Convention on the Rights of the Child

**House Resolution 1143 (Currie)** - Urges the United States Senate to ratify the Convention on the Rights of the Child and state agencies in Illinois to ensure that policies and programs comply with the Convention on the Rights of the Child.

## Department of Juvenile Justice

**House Bill 5007 (Turner/ Link)** - Creates the Department of Juvenile Justice Mortality Review Team Act to review deaths of youth in custody of the Department of Juvenile Justice. The bill, which was introduced following suicides of two youth held in DJJ facilities, provides for a review similar to those conducted following any death of a child in the care of the Department of Children and Family Services.

**House Bill 5913 (Collins/Hunter)** - Removes the requirement that the Department of Juvenile Justice share administrative services with the Department of Corrections and encourages collaboration with "child-serving agencies."

## Sexting

**House Bill 4583 (Senger/Silverstein)** - Provides that a minor who distributes indecent visual depictions of another minor may be subject to a petition for adjudication and adjudged a minor in need of supervision. If found in need of supervision, the minor may be ordered to obtain counseling or other supportive services, or required to perform community service.

For additional information about the status of these bills, please visit [www.ilga.gov](http://www.ilga.gov).

# Governor Proposes Moving Department of Juvenile Justice into Department of Children and Family Services

Governor Quinn's Budget for FY2011 contained a proposal to merge the Department of Juvenile Justice (DJJ) into the Department of Children and Family Services (DCFS). The budget set forth the following reasons for the merger:

*Continue the evolution of the DJJ towards a human services organization. Placing the DJJ within the DCFS will allow for more comprehensive service plans, improved allocation of resources, and an integrated approach to the residential and community treatment of all youth placed under the jurisdiction of the state. The integrated agency will continue the development of a robust Aftercare program. Effective post-detention treatment is the best means of changing behaviors and promoting life skills to reduce recidivism.*

The budget noted the state will continue to utilize federal stimulus dollars to pilot an Aftercare Program in Cook County. Proposed funding for the DJJ facilities was slightly increased, and the budget provided for nearly 100 new aftercare staff.

The proposal arose out of a crescendo of criticisms of conditions of confinement within DJJ, and the failure of DJJ to realize the vision of a treatment continuum, rather than a prison culture. Two suicides, a rapidly escalating suicide attempt rate, little to no programming, inadequate education, and virtually no aftercare programming have dismayed former legislative champions of the

new Department. "The DJJ has failed to realize its treatment vision, so dramatic change is now required to ensure the safety of the youth entrusted to its care," states Representative Annette Collins, one of the original legislative sponsors of the four-year old Department of Juvenile Justice.

On April 1, 2010 the Governor issued an executive order directing all affected agencies to cooperate and assist the integration of DJJ into DCFS by developing an Integration Plan, including interagency agreements, administrative regulations and legislation necessary to effect the merger. The executive order states that the plan will be developed with collaboration with organized labor, advocacy organizations and the legislature.

For more information, please visit:  
[www.jjustice.org](http://www.jjustice.org).

## ***FACTS:***

- ◆ \$85,000 = Annual cost per bed in DJJ
- ◆ Less than \$10,000 = Cost of community-based services through Redeploy Illinois to keep youth out of DJJ facilities
- ◆ Redeploy Funds statewide—under \$3 million
- ◆ DJJ Overtime Costs in 2009—nearly \$6 million

**13 COUNTIES COMMIT 76% of ALL YOUTH  
IN DJJ**

## Caselaw Update

### PENDING IN UNITED STATES SUPREME COURT:

**JUVENILE LIFE WITHOUT PAROLE:** On November 9, 2009, the U.S. Supreme Court heard two cases, *Sullivan vs. Florida* and *Graham vs. Florida*, raising the issue whether it is cruel and unusual punishment to sentence a 13-year-old or a 17-year-old to life in prison without the possibility of parole. These cases follow ask that the U.S. Supreme Court's earlier ruling in *Roper vs. Simmons*, a 2005 ruling that held the juvenile death penalty unconstitutional, be extended to similarly draw a bright line at 18 years of age for imposing life sentences without parole. The U.S. is the only nation in the world that sentences youth to life without parole.

A ruling is expected later this Spring.

### PENDING IN ILLINOIS SUPREME COURT:

**SHACKLING AND JURY TRIAL:** **In the Interest of Jonathan C.B.**, No. 107750, Defense leave to appeal granted 3/25/09 from 386 Ill.App.3d 735, 898 N.E.2d 252 (4th Dist. 2008)

Issues: 1. Whether due process is violated where a juvenile is shackled at trial without an individualized determination of necessity. And 2. Whether a minor charged with a sex offense has a constitutional right to a jury trial despite 705 ILCS 405/5-101(3), which prohibits jury trials in such circumstances.

**JURISDICTION:** **In re Luis R.**, No. 108403, State leave to appeal granted 9/30/09 from 388 Ill.App.3d 730, \_\_\_ N.E.2d \_\_\_ (2d Dist. 2009) (No. 2-08-0036, 2/23/09)

Whether the juvenile court has jurisdiction to conduct a delinquency proceeding against an individual who is over 21 years of age, where the offense in question occurred before he or she reached the age of 17.

**JUDICIAL AUTHORITY TO GRANT SUPERVISION:** **In re Veronica C.**, No. 108953, Defense leave to appeal granted 9/30/09 from unpublished order (No. 2-07-1155, 9/23/09) (2d Dist.)

Whether 705 ILCS 405/5-6-5(1), which allows the State to override the trial court's authority to place a minor on supervision, violates equal protection and the separation of powers doctrine.

**SENTENCING WHEN TRIED AS ADULT but CONVICTED OF LESSER OFFENSE:** **People v. King**, No. 109581, State leave to appeal granted 1/27/10 from \_\_\_ Ill.App.3d \_\_\_, \_\_\_ N.E.2d \_\_\_ (4th Dist. 2009) (No. 4-08-0847, 11/9/09)

Whether defendant's adult sentence was void where: (1) defendant was a juvenile who was originally charged with an offense for which adult prosecution was mandatory, (2) defendant subsequently entered a negotiated plea to an offense for which adult sentencing was not mandatory, and (3) the State failed to request a hearing under 705 ILCS 405/5-130(1)(c)(ii) to determine whether adult sentencing was appropriate.

Summaries by David Bergschneider, Office of the State Appellate Defender.

## News from Congress and the American Bar Association

**Juvenile Justice and Delinquency Prevention Act - S. 678**, the Senate JJDPa reauthorization bill, currently has 12 bipartisan co-sponsors and in December 2009 was successfully passed out of the Senate Judiciary Committee.

### **Obama Administration Releases Budget for Fiscal Year 2011**

By Erin Davies, Legislative Director, Campaign for Youth Justice, [www.campaignforyouthjustice.org](http://www.campaignforyouthjustice.org)

In February, the Obama Administration released its budget for the federal government for fiscal year 2011. The President's budget is the first step in the federal appropriations process and serves as a signal of what federal programs are a priority to the Administration.

Although the overall funding numbers for children-focused federal programs increased, overall funding for juvenile justice programming decreased. In the President's budget, the Administration proposed cutting core juvenile justice programs, such as: a \$3 million cut to Juvenile Justice and Delinquency Prevention Act (JJDPa) Title II state formula grants which supports JJDPa's core requirement of supporting states in their efforts to implement comprehensive state juvenile justice plans; a \$3 million cut to JJDPa Title V grants which provide funding for community-based delinquency prevention efforts; and a \$15 million cut to the Juvenile Accountability Block Grant (JABG) program which provides funding for systemwide improvements to the juvenile justice system. The budget also did not include funding for administrative costs of the Office of Juvenile Justice and Delinquency Prevention and eliminated funding for JJDPa, Part E which awards grants for developing, testing, and demonstrating new initiatives and programs for the prevention, control or reduction of juvenile delinquency. Much of the funding for demonstration grants was earmarked in prior years.

However, the President's budget did include three new juvenile justice programs: a \$13 million National Juvenile Delinquency Court Improvement Program, a \$12 million Gang and Youth Violence Prevention and Intervention Initiative, and an \$806,000 Disproportionate Minority Contact Evaluation and Pilot Program. Although these new programs address areas where juvenile justice research is needed, we are concerned that the core juvenile justice programs have been cut.

Despite the guidelines of the President's budget, both the US House of Representatives and the US Senate must pass appropriations bills to fund federal programs. These bills can include higher or lower amounts than the President requested. More information on the President's budget can be found at <http://www.whitehouse.gov/omb/budget/>.

**Congress looks at Girls in the JJ System:** On March 11, the House Education and Labor Committee's Subcommittee on Healthy Families and Communities held a hearing entitled "Meeting the Challenges Faced by Girls in the Juvenile Justice System." The hearing was led by Subcommittee Chairwoman Carolyn McCarthy (D-NY) and attended by Representatives Polis (D-CO), and Murphy (D-CT). The hearing focused on how girls fare in the juvenile justice system and what changes can be made to the Juvenile Justice and Delinquency Prevention Act (JJDPa) to improve girls' treatment in the juvenile justice system. The Healthy Families and Communities Subcommittee has jurisdiction over the JJDPa. Messages that came out of the hearing included the reminder that girls face many dangers in juvenile justice facilities, including physical and sexual abuse from peers and staff.

### **ABA Passes New Resolution to Reduce Collateral Consequences from Court Contact**

WASHINGTON, D.C., March 8, 2010 — The American Bar Association recently passed a resolution urging federal, state, territorial and local governments to limit the collateral consequences imposed on citizens as a result of contact with the juvenile justice system.

Americans across the country find themselves being denied opportunities to progress in society after they have been involved with the juvenile justice system. The ABA has singled out employment and education opportunities as two areas that have the greatest impact relative to integrating and succeeding in society. The policy, adopted at the association's Midyear Meeting in Orlando, Fla., in February, urges lawmakers to prevent schools and employers from denying opportunities based solely on a mistake that was made as a juvenile.

Chair of the ABA's Juvenile Justice Committee, Lawrence Wojcik, commented on the resolution stating, "Court-involved children face numerous obstacles imposed by law that adversely impact their attempts to successfully return to their communities. In adopting this policy, the ABA is urging the business, education and government sectors to refrain from placing additional barriers that are not mandated by law in the path of these children. The policy embraces the idea that the best way to help such children is to encourage their return to the community by offering them every opportunity to succeed."

The policy is available on the ABA's Criminal Justice Web site at: <http://new.abanet.org/sections/criminaljustice/Pages/default.aspx>.

## JJI PROVIDES LOW COST CLE

Attorneys with last name A-M must complete 24 hours of CLE by June 30, 2010.  
COMPLETE 1/3 of your Reporting Requirement with JJI's teleconference series in June.

**JJI OFFERS TWO One-Hour Mini-Updates**

**And**

**TWO Three-Hour Detailed JJ Courses**

**All by Teleconference Before 6/30/10**

***LOW COST = \$20 per hour OR \$150 for  
8-hour teleconference series.***

**SIGN UP FOR ALL 4 Courses and Complete 1/3 of the CLE requirement!**

**Thursday, May 20, 2010, 2-3 pm: One hour Juvenile Justice Nuts and Bolts**

Caselaw Updates, Legislative Updates, and speaker on the Convention on the Rights of the Child

**Thursday, June 10, 2010, 9-12 pm: Three hour Juvenile Justice in a Nutshell, Part I**

History and Philosophy of Juvenile Court, Overview of Juvenile Court Act, Juvenile Court Jurisdiction (When is a Teenager Viewed as a Juvenile in Court), and Diversion from Juvenile Court

**Friday, June 11, 2010, 9-12 pm: Three hour Juvenile Justice in a Nutshell, Part II**

Role of Adolescent Brain Development in Juvenile Court, Sentencing Options, and Post-Sentencing Rights of Juveniles

**Thursday, June 17, 2010, 2-3 pm: One hour Juvenile Justice Nuts and Bolts**

Caselaw Updates, Legislative Updates, and speaker reviewing Illinois Supreme Court Juvenile Law Decisions and Pending Court Cases

### **TO REGISTER:**

Email: [JJICLE@yahoo.com](mailto:JJICLE@yahoo.com) **OR** Call: 217-522-7970

Provide: Name, Address, Email, Phone #, Fax #, and the Date(s) you wish to participate.

Call in number and handouts will be emailed to you.

# 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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**Dialogue, Education  
& Advocacy**

## 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)