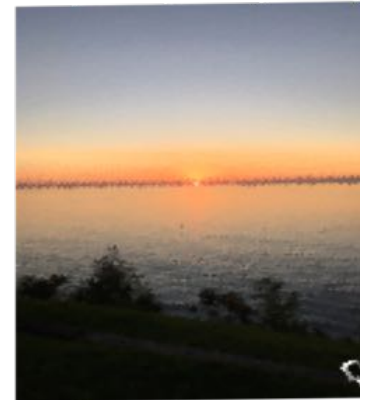




REIMAGINING DETENTION OF JUVENILES IN ILLINOIS

DETENTION as a LAST RESORT



July, 2019

Juvenile Justice Initiative

518 Davis Street, Ste. 211

Evanston, Illinois 60201

847-864-1567

www.jjustice.org

Elizabeth Clarke, President

Elizabeth Kooy, Policy Research Analyst

Sara Balgoyen, Independent Consultant

Katherine Buchanan, Independent Consultant

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Executive Summary

Juvenile Detention is jail for kids. Research consistently reveals that even short stays in a juvenile detention facility produce negative outcomes, including behavioral health impacts and education disruptions. Studies also consistently reveal that detention actually increases repeat offending.

Yet, state dollars support and incentivize the use of detention by subsidizing county detention staff. Further, there is no state plan or fiscal investment to encourage the use of alternatives to detention, despite better outcomes for fewer dollars.

Even without state incentives, several larger counties incorporated policies and practices to reduce reliance on costly out-of-home detention. The results are highly encouraging – lower costs with better outcome for kids and improved public safety. It is time for Illinois to encourage all counties with a detention center to make similar shifts by providing fiscal incentives to develop alternatives to detention, thereby reducing the reliance on juvenile detention and making it a last resort.

Now is the time to reimagine juvenile detention in Illinois through “right sizing,” sensible funding policies, and repurposing. We have the research and data that demonstrate that juvenile detention promotes recidivism, harms kids, reduces community safety, and costs substantially more. The timing is ripe to move towards fiscal incentives for alternatives to detention – changes in state law, county-based reforms, and downstate detention center bonds coming to an end all come together to set the stage for change.

Nationally, the use of juvenile detention has declined over the last two decades as the evidence grows about detention’s high costs (both human and fiscal) and poor results. Internationally, countries have moved away from jailing children, especially children under fourteen. Illinois has been a part of this downward trend in the use of juvenile detention while also seeing a decline in juvenile delinquency. We now have the opportunity to build on these successes to ensure that our young people in conflict with the law are treated fairly, proportionately and in a manner that is consistent with human dignity.

This report updates JJI’s May 2018 report and includes a series of recommendations to reimagine and “right-size” juvenile detention in Illinois.

ACKNOWLEDGEMENTS

We want to express our gratitude to the Illinois Juvenile Justice Commission, which reports annually on the use of juvenile detention in Illinois. Many thanks to Shawn Freeman for compiling JMIS data and his assistance in accessing data for this report.

We also want to acknowledge the debt we all owe to Dr. Linda Teplin and her team at Northwestern University, for her ground-breaking longitudinal research documenting the negative outcomes from juvenile detention. In addition, no report would be complete without gratitude to both the Annie E Casey Foundation for their Juvenile Detention Alternatives Initiative, and to the MacArthur Foundation for their demonstration projects under Models for Change and their Pathways to Desistance Research. We are deeply grateful to the visionary juvenile probation leaders and judiciary who piloted so many successful alternatives to detention across the state. Finally, we are grateful to the National Juvenile Defender Center for their extensive training materials and leadership to ensure that lawyers representing juveniles have the tools and resources necessary to advocate for alternatives to detention and to ensure that detention is used only as a last resort and for as short a time as possible.

Summary of Recommendations

RECOMMENDATION #1: Require that juvenile judges and law enforcement exhaust all less restrictive alternatives before using juvenile detention (as currently required by statute prior to commitment to IDJJ) and insist on annually evaluated, consistent and vetted screening tools to support these discretionary decisions.

RECOMMENDATION # 2: Reduce disparities across the state by creating a data focused plan to addressing all disparities including economic, educational, racial, and geographic, in order to ensure that similarly situated youth are treated equally.

RECOMMENDATION # 3: Raise the minimum age of detention to 14 across the state in order to end detention of elementary and middle school age children.

RECOMMENDATION #4: Reduce reliance on detention & ensure proportionality by doing the following:

- Ensure compliance with existing state law that prohibits detention for status offenses.
- Prohibit detention for non-violent offenses including property and drug offenses.
- End the use of detention for violations of probation by utilizing intermediate community- based sanctions.
- Assess the use of warrants as the predicate for juvenile detention and improve policies, procedures and practices to reduce the incidence of detention based on warrants.

RECOMMENDATION # 5: Require 24/7 review of the decision to detain a child. Ensure there is a panel of trained and resourced lawyers who are available on the weekend across state to be present in person with youth to represent them in detention review hearings.

RECOMMENDATION # 6: Ensure public and independent oversight of juvenile detention through timely and public reporting of the use of detention, through annual policy analysis of the data with recommendations for improvement, and through routine civil monitoring.

RECOMMENDATION #7: Revise detention standards to ensure compliance with national and international best practice and human dignity.

RECOMMENDATION #8: Require the reporting and analysis of the use, impact and cost benefit of Electronic Monitoring of children. Develop standards for use, length of time, and monitoring practices.

Introduction

Illinois, home of the world's first juvenile court, has long been a leader in Juvenile Justice. Illinois has been at the forefront with reforms like Redeploy Illinois to reduce juvenile incarceration by shifting fiscal incentives to community alternatives instead of to juvenile prison. Unfortunately, Redeploy only applies at the back end of a juvenile case at sentencing, not at the beginning when youth are first arrested and detained. When juveniles are first arrested, they are placed in jails that are called juvenile detention centers. These county-run facilities are dependent on state dollars that encourage detention – there is no Redeploy parallel to shift fiscal incentives to encourage local communities to reduce detention utilization.

The State Legislature and local counties have struggled to align juvenile detention with best practice and policies. Legislative proposals range from raising the minimum age of detention to addressing the timeliness of detention review. Yet, the lack of a consistent state policy coupled with the handcuff of state funding that subsidizes detention staff, continue to actively encourage the use of juvenile detention.

In keeping with best practice in other child serving systems, it is essential to keep the developmental needs of children front and center to the considerations of detention. Across the country and in Illinois child serving systems recognize the protective qualities of family care and the potential harmful impacts of institutionalizing children except when absolutely necessary.

This policy paper updates an earlier paper that resulted from a series of discussions and research by the Juvenile Justice Initiative. The **Juvenile Justice Initiative** is a statewide, nonprofit policy advocacy organization, dedicated to ensuring that all children in conflict with the law receive fair treatment, with detention as a last result and for as short a time as possible.

We urge legislators to consider the information and recommendations in this report to create statewide fiscal incentives that encourage best practices and to create policies that reduce the reliance on juvenile detention.

What is Juvenile Detention? *Jail for Juveniles!*

Detention for juveniles is the equivalent of jail for adults.

Juvenile detention facilities are county operated, short-term, locked facilities for the detention of juveniles. Juvenile detention facilities are the equivalent of jails. The facilities have heavy iron doors and juveniles are placed in uniforms, transported in shackles and locked in individual cells. They are subject to discipline including solitary confinement. Programming in detention centers is inconsistent and state standards are minimal.

Illinois has 16 county operated juvenile detention facilities (Adams, Champaign, Cook, Franklin, Kane, Knox, Lake, LaSalle, Madison, McLean, Peoria, Sangamon, St. Clair, Vermilion, Will and Winnebago). The State subsidizes detention center staff (\$35.9 million in FY16) and the county funds the rest. Some county detention centers further subsidize the detention center operations by charging surrounding counties to detain their juveniles.



Juvenile detention centers are intended to temporarily house youth who pose a high risk of re-offending before their trial. In Illinois, that means they pose an “immediate and urgent” risk (705 Ill. Comp. Stat. § 405/5-140). The Illinois Juvenile Justice Commission tracks the use of juvenile detention. In 2017, Illinois detained 9,527 children across the state – down 5% (from 10,042) in 2016, which in turn was down 15% from 2012, and down 54% from 1998. (IJJC 2000 Detention report and 2016 detention comparison report)¹

¹ *The Status of Juvenile Detention in Illinois, Annual Report, 1998*, National Juvenile Detention Association; http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/IJJC_2015-2016%20Detention%20Data%20Comparison%20Summary.pdf

Reimagine Detention Now! The Time Is Ripe

For more than 45 years we have known about the negative impacts of institutionalizing children and the evidence continues to grow. U.S. research on what promotes better outcomes for kids in conflict with the law is used across the world – but other developed nations implement our research more effectively to drive down incarceration.² Illinois should utilize the research available to us to drive effective policy and practice that is both fiscally responsible and drives good results for kids.

In addition to the research, several other issues have come together to set the stage for change.

First, cannabis reform should not only eliminate most new detentions for cannabis related charges (as these would now fall under status offenses) and there would be little purpose in drug testing for cannabis for kids on probation that is now regular practice and can lead to detention for probation violations.

Second, Cook County has led the way in ending the detention of younger children. In September of 2018 Cook County passed an ordinance putting an end to the detention of 10, 11, and 12-year-old children. Cook County has been successful in addressing the needs of younger youth in conflict with the law through alternatives to detention.

Third, counties that issued bonds to pay for the expansion of their juvenile detention facilities are coming to an end of their repayment periods. Without the fiscal yoke of bond payments counties have the opening to focus on developing community-based alternatives to detention and reducing their reliance on juvenile detention.

Fourth, with a State budget climate that is more supportive of human services, we have the opportunity to work with a more robust social service sector as a foundation for developing or expanding alternatives to detention.

Finally, victims of crime want an approach that meets the needs of youth, strengthens families, and addresses the underlying causes of crime. They also want to see greater use of community-based strategies for all youth who have engaged in crime, regardless of the offense type.³

² CRC 30 Years Global Study

³http://www.justicepolicy.org/uploads/justicepolicy/documents/Smart_Safe_and_Fair_Fact_Sheet_9_5_18.pdf

Research - Detention Harms Juveniles

The National Institute of Justice report, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*, calls for the closure of all juvenile jails and prisons, noting: ***America's longstanding youth prison model, which emphasizes confinement and control, exacerbates youth trauma and inhibits positive growth while failing to address public safety.***

Negative Consequences from juvenile detention

The impact of detention of children under the age of 18 has been studied extensively. A survey of the studies reveals that even short periods of time in detention have a profoundly negative impact on young people's life outcomes, ranging from mental health disturbances to economic disadvantages. The Justice Policy Institute reviewed the studies in a report *The Dangers of Detention*, and noted that ***Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce.....(and) there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate. Prior incarceration was a greater predictor of recidivism than carrying a weapon, gang membership, or poor parental relationship.***⁴

Another article summarized the results of a study examining 35,000 juvenile offenders over a ten-year period in Chicago.⁵ The researchers examined the outcomes from similarly situated youth assigned randomly to judges with different sentencing tendencies. Some judges were more likely to use detention, while others were less likely to detain. The researchers found that the periods of detention interrupted school, making it less likely that youth returned to school – especially if they were around age 16. *The kids who go to juvenile detention are very unlikely to go back to school at all*, said one of the researchers, Joseph Doyle, an economist at MIT Sloan School of Management. In fact, **the study found that juvenile detention lowers high school graduation rates by 13% and increases adult incarceration by 23 percentage points.**

A 2017 article in the Atlantic articulates the issue of education disruptions succinctly. "Many young offenders never make it back to school at all. A booklet issued by the Department of Education for students transitioning out of juvenile facilities notes that while 90 percent want to reenroll in traditional schools, only one-third actually do. A variety of factors can contribute to that gap: lost paperwork, a lack of parental or community guidance, trouble reintegrating into society, and

⁴ Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Barry Holman and Jason Ziedenberg.

⁵ <http://news.mit.edu/2015/juvenile-incarceration-less-schooling-more-crime-0610>

trauma-related issues from detention and solitary confinement, among others. And even the most well-adjusted kid with all his or her paperwork, eager and ready to learn, might face an unwelcoming school district that refuses to take the student mid-semester.⁶

A similar longitudinal study tracked youth detained in the juvenile detention center in Cook County, and found they often struggled with a range of issues years after release from detention.⁷ Dr. Linda Teplin led a team of researchers at Northwestern University who tracked more than 1,800 youth admitted to the Cook County Juvenile Detention Center from 1995 to 1998. The average age of the youth was 15 years, and they were interviewed five and twelve years after detention. The research found:

- **More psychiatric disorders** - A longitudinal study of 1,895 children between ages 10 and 18 who were detained in the Cook County Detention Center between 1995 and 1998 found that five years after the first interview, *more than 45% of male juveniles and 30% of female juveniles had one or more psychiatric disorders.*⁸
- **Higher mortality rates** - The same longitudinal study found that the mortality (death) rate for youth detained in Cook County was more than four times the rate for youth in the general population.⁹

Similar studies note:

- **Higher Repeat Offending Rates** among children who have been detained. Detention actually increases the likelihood a child will recidivate, especially with youth who are confined based on low level offending.¹⁰
- **Not cost-effective** - **The Justice Policy Institute also found that juvenile detention is not a cost-effective way to promote public safety or meet the needs of young people.**

⁶ <https://www.theatlantic.com/politics/archive/2017/12/juvenile-solitary-confinement/548933/>

⁷ <https://acestoohigh.com/2017/01/16/years-after-juvenile-detention-adults-struggle-study-finds/>

⁸ OJJDP Bulletin, Sept. 2015 – *Psychiatric Disorders in Youth After Detention*, Dr. Linda Teplin.

⁹ OJJDP Bulletin, Sept. 2015 – *Violent Death in Delinquent Youth After Detention*, Dr. Linda Teplin.

¹⁰ http://www.pathwaysstudy.pitt.edu/documents/OJJDP%20Fact%20Sheet_Pathways.pdf

States Reduce Detention Amid Concerns about Poor Outcomes

According to federal data trends reported by the U.S. Department of Justice, since 1997, there has been nearly a 50 percent decline in the number of confined youth. This drop occurred during an era of historic declines in crime. Today, far fewer youth are confined and communities are safer. We do not have to choose between locking up more youth and being safe. To the contrary, incarcerating fewer youth is a key piece of creating a safer society.¹¹

Annie E. Casey's **Juvenile Detention Alternatives Initiative [JDAI]** operates in nearly 300 counties nationwide. The sites documented reductions in detention admissions of 49%.¹² These findings held true for both urban and non-urban communities, and across 32 states.

These JDAI sites also reported **significant reductions in juvenile crime along with the reduction in detention use** – again, consistent with the research that detention increases criminal offending, while detention alternatives support reductions in juvenile crime.

JDAI encourages states to examine the reasons youth are being sent to detention, and create alternatives to address underlying issues. In Ohio, the JDAI Initiative found many children were being sent to detention based on domestic violence cases. Ohio's JDAI Administrator Lurie explained that counties were able to create alternatives to address the underlying family conflict issues, and thus avoid sending kids to detention.¹³

Not only are community-based services cheaper and more effective, lowering the number of young people in detention allows resources within detention centers to be specifically targeted to those young people who are more appropriately detained.

As will be examined later in this report, **Illinois counties that invested in juvenile detention alternatives experienced dramatic reductions in detention usage along with lower costs and better outcomes.** Counties that chose instead to build/expand detention beds are struggling today with higher operational and staffing costs in their detention facilities.

¹¹http://www.justicepolicy.org/uploads/justicepolicy/documents/Smart_Safe_and_Fair_Exec_Sum_9_5_18.pdf

¹² <http://www.aecf.org/m/resourcedoc/aecf-jdaiat25-2017.pdf#page=5>

¹³ <http://www.publicnewsservice.org/2017-11-02/juvenile-justice/alternatives-to-youth-detention-success-highlighted-in-ohio/a60113-1>

Illinois State Dollars Encourage Detention

Currently, Illinois provides perverse state fiscal incentives that encourage counties to detain youth – but no incentives to divert youth away from detention into more effective community-based alternatives.

State dollars reimburse counties for detention staff

Juvenile detention centers are funded by their local county, but by law counties are to be reimbursed with state dollars for a portion of the salaries for the detention center personnel - see the Illinois Probation and Probation Officers Act:

730 ILCS 110/15(4) (c):

The [Probation and Court Services] Division shall reimburse the county or counties for probation services as follows:

(c) 100% of the salary for all secure detention personnel

The greater the number of youth held in a detention center, the greater the number of staff and thus the greater the county's reimbursement from the state. ***Thus, the state fiscal incentives encourage juvenile detention – rather than encouraging alternatives.***

State reimbursement is substantial

The detention reimbursement total, as detailed in correspondence with state legislators, was \$35,976,809 in SFY16. The Court website states that in 2017 the counties received about 85% of eligible funding reimbursement.¹⁴ **The Cook County budget proposal for 2018, noted that salaries for the personnel in the Cook County Juvenile Temporary Detention Center made up 80% of the overall cost of the detention center.**¹⁵ If, as in Cook County, about 80% of the juvenile detention center budget consists of personnel costs, and if the state subsidizes about 85% of the personnel costs, then **the state is subsidizing over two-thirds of the county juvenile detention center costs.**

Counties in Illinois made critical decisions regarding juvenile detention in the 1990's. In the '90's there was an increase in the use of juvenile detention – from 15,985 total admissions in 1990 to 18,541 admissions in 1998.¹⁶ The increase convinced some counties to build/expand juvenile detention facilities. Illinois joined what was a national prison construction boom and grew the number of

¹⁴ <http://www.illinoiscourts.gov/General/Funding.asp>

¹⁵ <https://www.cookcountyil.gov/Budget>

¹⁶ *The Status of Juvenile Detention in Illinois, Annual Report, 1998*, National Juvenile Detention Association

county juvenile detention centers from 6 to 17 in the years between 1990 and 2003.¹⁷

The chart on the following page demonstrates how dramatically counties overbuilt. **In just one decade in the 1990's, twelve counties built new facilities or expanded their existing detention centers. These counties added beds expecting an increase in detention admissions. However, by 2016, all twelve counties had average daily populations below the number of beds built in the '90's.**

By contrast, other counties concentrated on reducing the number of juveniles placed in detention. Through detention alternatives, Illinois' largest county (Cook) was able to avoid adding beds and actually reduced their detention population from 800 in the 1990s to 243 in 2017. Another county (DuPage) was able to close their detention facility.

Some counties are paying off bonds that were used to build/expand detention centers. Most of the Illinois juvenile detention centers were built or expanded in the late 1990's/early 2000. This was part of a national trend, relying on federal funds:

...at the heart of the Violent Crime Control and Law Enforcement Act of 1994 was a program that provided billions in federal funds for states to build or renovate prisons. With this funding, more than half of the states built, expanded, or renovated youth prisons and detention facilities, and contracted for additional detention and correctional beds.¹⁸

Many of the counties intentionally build or expanded their detention capacity with the thought that detention usage would expand and that surrounding counties would pay to use their facility. Instead, detention usage decreased and counties were left with costly bond payments. Between 1999 and 2017 the average daily population across Illinois Juvenile Detention Centers has decreased 46%. Data shows that just in the year between 2016 and 2017, the average daily detention population decreased 8%. In addition, 2017 data shows that all but one county detention facility run under capacity – some significantly under capacity – with a statewide operational usage of 63% of total capacity. A snapshot of the data of the Cook County detention center from June 2019 indicates that that facility's weekly population averages only 180 youth.

¹⁷ Scott, Robert and Saucedo, Miguel (2013) "Mass Incarceration, the School-to-Prison Pipeline, and the Struggle Over "Secure Communities" in Illinois," Journal of Educational Controversy: Vol. 7: No. 1 , Article 7. Available at:

<https://cedar.www.edu/jex/vol7/iss1/7>

¹⁸ National Institute of Justice – *The Future of Youth Justice*, Oct., 2016,

http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

Counties that built/expanded using federal and bond funding are now approaching the end of their payments, one example is Vermilion County, which is required to make \$300,000 bond payments annually on its juvenile detention facility thru 2019, according to its 2015-16 budget.¹⁹

This means the time is RIPE for the State to shift fiscal incentives to alternatives to detention.

¹⁹ [http://www.co.vermilion.il.us/ctybrd/2015 2016 Budget.pdf](http://www.co.vermilion.il.us/ctybrd/2015%202016%20Budget.pdf)

IL County Juvenile Detention Facilities²⁰

County Juv. Detention Center	Original Bed Capacity & year built	Expansion & year expanded	ADP (Average Daily Population) 1999	ADP in 2017	% Change in ADP (from 1999 to 2017)
1. Adams	20 beds 1963	30 beds 2001	16.1	13	20% Decrease
2. Champaign	10 beds 1954	40 beds 2000	10.4	16	65% Increase
3. Cook	498 beds 1973	none	555.6	243.5	56% Decrease
4. Franklin	38 beds 2003	none		18	
5. Kane	80 beds 1998	none	63.3	34	46% Decrease
6. Knox	12 beds 1917	39 beds '69 & '91	48.1	21.2	56% Decrease
7. Lake	48 beds 1996	24 bed increase postponed	38.8	28.3	27% Decrease
8. LaSalle	14 beds 1982	none	15.3	9.1	41% Decrease
9. Madison	21 beds 1969	39 beds 1995	38.9	21.8	44% Decrease
10. McLean	26 beds 1993	none	22	12.6	43% Decrease
11. Peoria	16 beds 1976	63 beds 1999	26.7	38.2	43% Increase
12. Sangamon	10 beds 1979	48 beds 2000	10.7	14.9	40% Increase
13. St Clair	36 beds 1980	53 beds 1999	51	19.6	62% Decrease
14. Vermilion	26 beds 2000	none		23.5	
15. Will	102 beds 1999	none	43.2	33.6	22% Decrease
16. Winnebago	32 beds 1992	48 beds 1996	56.8	49.5	13% Decrease
State Total			1,096.3	597	46% Decrease

CLOSED: DuPage - 30 bed facility built in 1971, expanded to 96 beds in 1999, closed in 2012 and ADP in 2017 was 8.3.

²⁰ SOURCE: *The Status of Juvenile Detention in Illinois: annual report*, National Juvenile Detention Association, June 2001; *IL Juvenile Detention Data Report*, Illinois Juvenile Justice Commission, 2017.

Juvenile Detention – A Costly Enterprise for Counties

The newest detention center, in Franklin County, has struggled to find funds for operation from the beginning. A news report from May of 2003 reported that the new **\$4.3 million Franklin County Juvenile Detention Center** was at risk of having no funds to open, due to state budget cutbacks. “*At stake in the number crunching is \$860,000 in funding to operate*” the detention center by reimbursing the county for detention center staff.²¹ The article goes on to note that Franklin County borrowed \$3 million to help build the center, resulting in an annual payment of \$250,000. The county expected the detention center to generate revenue to help pay off the debt, but the revenue did not materialize and the county is left with the debt on the facility.

Research shows youth who are detained are more likely to repeat offend – and repeat offending is costly for counties. The costs include those related to those harmed (the victims) as well as the community (i.e. tax dollars). Recidivism rates across the US are between 60-75% within 3 years of confinement and according to the Justice Policy Institute the victim and taxpayer costs from recidivism due to youth incarceration can reach \$7.034 billion in 2011 dollars.²²

No State Fiscal Incentive to Use/Develop Alternatives

While the State is required to reimburse counties for detention personnel costs, there is no State funding to encourage the development of alternatives to detention. The State has a successful model – Redeploy Illinois – but the fiscal incentives in Redeploy are used to divert juveniles at the deep end of the system, who have been found guilty and are at risk of being sent to juvenile prison. The State needs to develop a similar funding incentive to encourage counties to develop and utilize community alternatives to juvenile detention. Fiscal incentives to avoid the use of detention would reduce the number of children who are later at risk of being sent to juvenile prison and would promote public safety by reducing repeat offending.

When shifting investments towards community alternatives, Illinois should ensure that there is comprehensive and equitable access to services across the state depending on the needs of local communities. All communities should have equal access to best practices.

²¹ http://thesouthern.com/news/local/franklin-juvenile-detention-center-s-fate-uncertain-but-construction-continues/article_3bcde73c-9949-57b3-99a2-38a5fda7e37a.html

²² http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf

Illinois Detention Utilization- Random and Disparate

Decision to Detain a Child is Completely Discretionary

There is some encouragement from the courts to use screening tools to make decisions whether to detain a child or not, but these tools vary greatly and there is no state oversight of the use of detention. Thus, while the majority of Illinois counties rarely detain juveniles, a handful of counties use detention at alarming rates.

Police have wide discretion to “adjust” cases and avoid detention.

The police make the initial decision about detention – and under 705 ILCS 405/5-405(3) police have **wide discretion** in deciding when and who to detain:

*405/5-405 (3) The juvenile police officer **MAY** take one of the following actions:*

- A. station adjustment and release of the minor;*
- B. release the minor to his or her parents and refer the case to Juvenile Court;*
- C. if the juvenile police officer reasonably believes that there is an urgent and immediate necessity to keep the minor in custody, the juvenile police officer shall deliver the minor without unnecessary delay to the court or to the place designated by rule or by order of court for the reception of minors.*

Police Diversion (Station-adjustments) are widely used. Police “station-adjustments” can include an innumerable range of informal dispositions – anything from cleaning up the graffiti to agreeing to counseling, restitution, etc. This process is the most common form of community policing where police work with the family and victim to informally resolve disputes.

The Illinois Mental Health Opportunities for Youth Diversion Task Force Report emphasizes the need for diversions to mental and behavioral health treatment:

“Youth with mental health conditions get worse in jail, not better. When youth are not a danger to themselves or others, they should be diverted to community based mental health treatment.”²³

No Uniform Statewide Practice

Despite the evidence of the high cost and the profoundly negative outcomes, studies in Illinois reveal a widely disparate use of juvenile detention. Some counties have successfully limited detention, while others use detention frequently. As the Illinois Juvenile Justice Commission stated in its 2016 report on CY14 Detention:

²³https://static1.squarespace.com/static/59653faf099c014ab2324724/t/5a96305a8165f59f6321bb4d/1519792221453/NAMI-4478+TaskForceDiversionReport_L3.pdf

Detention usage varies considerably by jurisdiction. It is unclear why admission rates are disparate from county to county, but these data should be examined by policymakers.²⁴

As an example, in 2017, the Winnebago County held an average of 49.5 children in detention daily while DuPage County, with 3 times the population of Winnebago, held only 8.3 children daily. DuPage officials emphasized alternatives to detention and detained a fifth of the number of juveniles that Winnebago County detained, despite being three times the size.

The majority of counties in the state rarely use detention - almost half of the counties in Illinois (44/102) detained 10 or fewer youth in 2016.²⁵

Build it and they will come....

Generally, counties that maintain a juvenile detention center tend to have higher numbers of children in detention. In 2017, only 9 of Illinois's 102 counties detained an average number of more than 20 juveniles per day and all 9 counties maintained a detention facility:

Cook – 243.5	Lake – 28.3
Winnebago – 49.5	Vermilion – 23.5
Peoria – 38.2	Madison – 21.8
Will – 33.6	Knox – 21.2
Kane – 34	

Yet, in the same year, two counties with populations similar to or greater than these counties (DuPage and McHenry) detained significantly fewer children AND did not have a detention facility. DuPage had an average detention of 8.3 children per day and McHenry (with a larger population than Winnebago, Madison and St Clair) held only 5.2 per day.

Best practices in prevention and diversion can reduce the need for detention centers.

Many alternatives are available including Comprehensive Community-Based Youth Services (CCBYS), mental health juvenile justice initiative alternatives to detention, and facilities like Champaign County's Youth Assessment Center. CCBYS is a statewide 24/7 crisis intervention system is mandated to serve youth in crisis (runaways, lock-outs, beyond control and in physical danger) and also serves youth in high-risk situations, and their families when appropriate, according to their needs and in keeping with the goal of family preservation, reunification and/or family stabilization, or independence, depending upon the youth's needs. While these

²⁴ Illinois Juvenile Justice Commission, *Illinois Juvenile Detention Data Report on CY2014 Detention*, Jan., 2016, Forward to report.

²⁵ *Ibid.*

services vary across the state based on access and capacity to provide the appropriate supports, human services funding increases in the FY2020 budget anticipate addressing access and capacity issues.

St. Clair county and others have made changes to include restorative practices, mental health services and trauma focused systems of care to divert and support youth and families in contact with the justice system.

No Uniform Practice to decide when to detain a child.

“Urgent and immediate necessity” is ill-defined. *The Illinois Legislature requires that a police officer “reasonably” believe there is “urgent and immediate necessity to detain or to keep the minor in custody” is vague and limitless. Courts have not yet established what defines “urgent and immediate necessity” and thus police have wide latitude on detaining.*

Wide discretion occurs even at the screening stage. *Once a police officer decides to detain a child, a call is made to probation/detention who then use a screening tool to review the detention decision. These screening tools vary widely across the state – there is no uniform screening tool in Illinois, and each locality can change their screening tool anytime and in any manner.*

Development of Screening Tools – but no uniformity and no evaluation or oversight. *The vagueness of the statutory definition of urgent and immediate necessity, combined with concerns that detention was overused and unfair, led the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) to launch a national campaign to develop screening tools that could inject some procedural fairness into the otherwise unfettered discretion of law enforcement to detain children. Cook County was one of the pilot sites for JDAI, and eventually nearly every county in Illinois developed some form of a screening instrument. But screening tools are complex. For example, inclusion of factors such as prior arrests have been shown to have racially disparate impacts, since studies reveal a disproportionate rate of arrests with black and brown youth. The Justice Center of the Council of State Governments notes that “tools can contribute to racial disparity if not validated or used properly.”²⁶*

RECOMMENDATION #1: Require that juvenile judges and law enforcement exhaust all less restrictive alternatives before using juvenile detention (similar to statutory requirements regarding commitment to IDJJ) and insist on annually reviewed, consistent and vetted screening tools to make these discretionary decisions.

²⁶ <https://csgjusticecenter.org/reentry/posts/risk-and-needs-assessment-and-race-in-the-criminal-justice-system/>

Profound Racial Disparities:

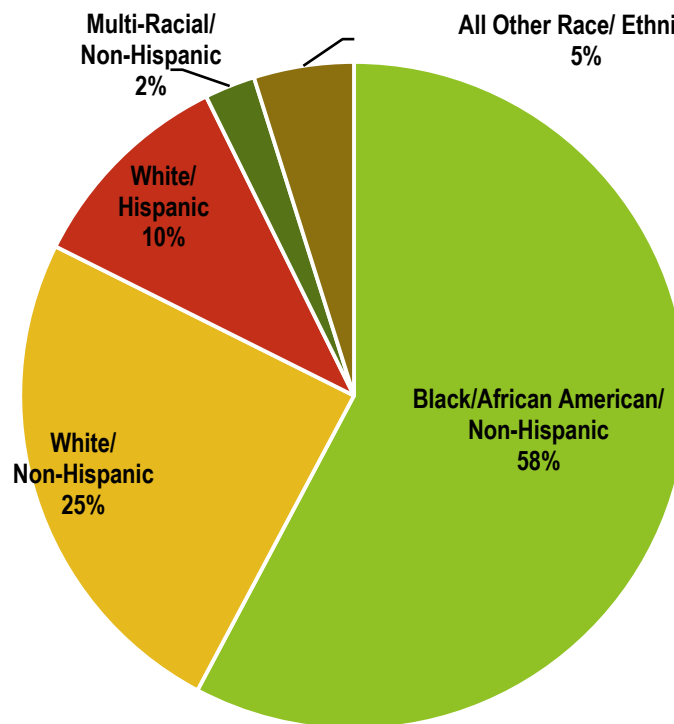
*“Racial and ethnic disparities...are quite pronounced”.*²⁷

“Quite pronounced” is an understatement.

Across the nation and in Illinois, black and brown youth are at a significantly higher risk of being detained than white youth. In addition, despite plummeting numbers of youth in confinement, racial and ethnic disparities have actually increased.²⁸

According to the US Census, 14.7% of Illinois residents identified as Black and 16.9% identified as Latino or Hispanic – a total of 31.6%. However, Black and Hispanic youth were 68% of all detention admissions in 2017 in Illinois. Significantly, the detention rate is 8 times higher for Black/African American male youth (42 youth per 1,000) than White male youth (5 youth per 1,000). Statewide in 2017, Black, Hispanic and multi-racial children made up 70% of the detention admissions:

IL Detention Center Admissions by Race/Ethnicity 2017



²⁷ Illinois Juvenile Justice Commission, *Illinois Juvenile Detention Data Report on CY2015 Detention*, 2016.

²⁸ http://www.justicepolicy.org/uploads/justicepolicy/documents/Smart_Safe_and_Fair_Exec_Sum_9_5_18.pdf

Most young people are allowed leeway for normal adolescent behaviors without getting entangled in the justice system. However, youth of color nationwide are more likely to be arrested, prosecuted, sentenced, and incarcerated for these behaviors than are their white peers.

Champaign County's Racial Justice Task Force recently released a report with recommendations focused on reducing the racial disparities in the county's justice system including the juvenile detention center. One recommendation is to reduce the overall reliance on detention and the detention population.

The support for this recommendation is found in the report:

"In Champaign County, the numbers are similar to the national numbers with youth of color being two-to-three times more likely to be admitted to detention than their white/non-Hispanic counterparts based on the statewide Detention Report completed by the Illinois Juvenile Justice Commission (2016). According to the 2015 Detention Report, Champaign County has the fifth highest detention rate, per capita, of all the counties in the state [Appendix F]. Of Champaign County's 398 charges leading to detention in 2015, fewer than 50% were for violent offenses. In 2015, Champaign County had the fourth highest detention admission rate in Illinois, per capita, for African-American youth compared to all other counties in the state....It is imperative that Champaign County reduce the use of juvenile detention with a focus on the racial disparity issue by reducing the number of youth brought to the Juvenile Detention Center pre-trial and the number sentenced to the Juvenile Detention Center."

Reducing the number of youth of color in detention requires an intentional racial justice strategy that extends beyond simply changing policies and practices that drive detention.

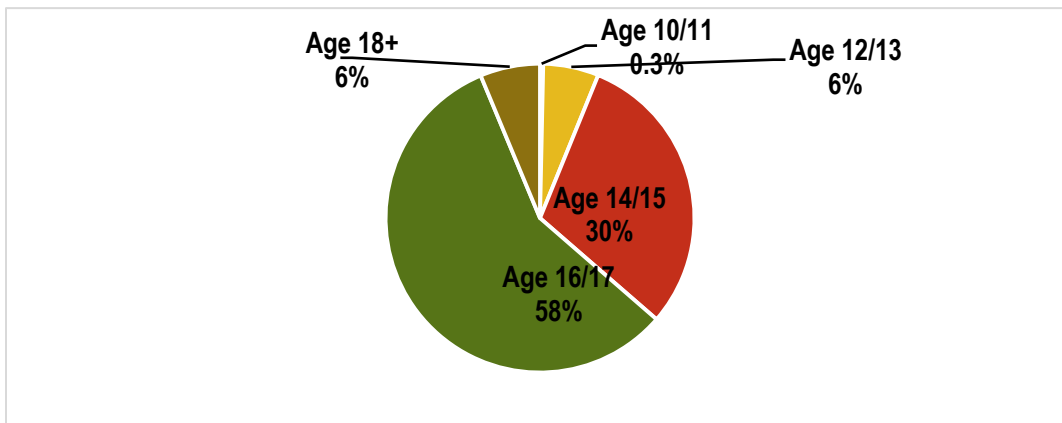
RECOMMENDATION #2: Reduce disparities across the state by creating a data focused plan to addressing all disparities including economic, educational, racial, and geographic, to ensure that similarly situated youth are treated equally.

End Detention of Young (Elementary School) Age Children

Another particularly troubling issue is the continued use of detention in Illinois for children under the age of 14.

Illinois statutes allow children as young as 10 to be detained in Illinois. According to the Illinois Juvenile Justice Commission, in 2017, **there were 587 children under the age of 14 admitted to detention**. Only 32 were ages 10 or 11 (making up .3% of the detention populations) and 555 were ages 12 and 13 (making up 5.8 of the detention population). Average daily population for 10/11-year-olds is 1.3 and 30.8 for 12/13-year-olds across the state. These numbers are likely even lower now as Cook County has moved away from the practice of detaining children under 13.

IL Detention Center Admissions by Age 2017



Racial disparities hit young African American children particularly hard when it comes to the detention of children 10-13 years old. In 2016, African American children in this age group make up 66% of those detained compared to their white peers who make up only 28% of 10-13-year-old detention population.

While the number of young children in detention is relatively small, the impact on each individual child is profound. **Separation, even if only overnight, is profoundly traumatic for a ten - thirteen-year-old child who may be spending the night away from home for the first time.** The interruption to school and the isolation from family are both extremely harmful.

The number of children under the age of 14 held in detention in most counties is minimal and has dropped over the years – **it is now time to end detention for this young age group.**

WHAT DETENTION FEELS LIKE TO A CHILD:



TIME TO TURN OUT THE LIGHTS, by Jaeuu, Azuela School, Chicago

"My problems all started with being locked up at age 12. I felt like that was what my life was supposed to be. I do not want any more children to have to feel defined by being locked up at such a young age."

Justin, now 35 yrs. old and employed

LEGISLATIVE RESPONSE TO DISCOURAGE DETENTION OF YOUNG CHILDREN

State: In January of 2016, Public Act 99-0254 took effect, and required counties to search for alternatives to detention for children under the age of 13:

A minor under 13 years of age shall not be admitted, kept, or detained in a detention facility unless a local youth service provider, including a provider through the Comprehensive Community Based Youth Services network, has been contacted and has not been able to accept the minor.

Preliminary data from the Probation Department in Cook County reveals this legislative change has been successful in nearly eliminating the detention of children under the age of 13, and in dramatically reducing the number of 13 and 14-year-old children in detention.

Local: Then in September of 2018 Cook County passed an ordinance prohibiting the detention of children under age 13. In explaining the decision, Commissioner Suffredin stated, "We create a traumatic experience for these children when they are detained. This kind of reform is very significant, because a child put into this situation is going to be damaged for a very long time, and society may pay the price

for the mistake we made earlier in that child's life."²⁹ The change reflects national research, best practice, and findings by the American Pediatric Association that confinement as a child has lifelong adverse health consequences.

This move by the Cook County Board has produced results. A snapshot of June 2019 statistics from the Cook County detention center shows that no children under age 13 were held in detention. Those statistics also show that an average of only four 13-year-olds were held at the facility each week.

International: The Committee on the Convention on the Rights of the Child (CRC) notes that other developed nations have utilized American research to effectively promote more developmentally appropriate interventions with young children in conflict with the law. For example, Germany does not prosecute children under the age of 14 and Mexico does not detain children under 14. In draft comment, the CRC clarifies the international minimum for the age of detention for children is 14.

Reforms such as House Bill HB 4543 to raise the minimum age of detention across the State are essential to create policy that will ensure community-based alternatives are the only option for young children in contact with the law and bring Illinois in line with research supported policies and international standards.

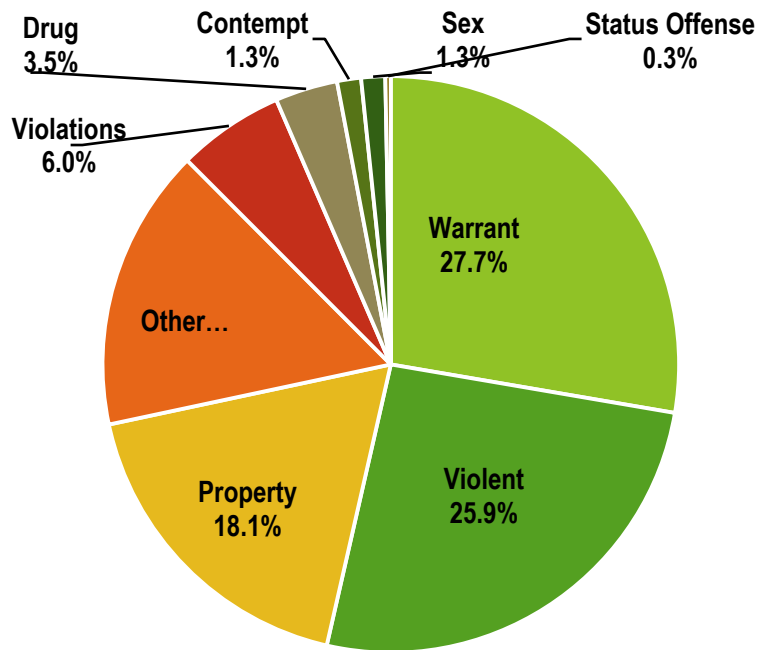
RECOMMENDATION #3: Raise the minimum age of detention to 14 across the state in order to end detention of elementary and middle school age children.

²⁹ <https://www.injusticewatch.org/news/2018/cook-county-board-bars-detention-of-youth-under-13-years-old/>

Overuse of Detention for Non-violent Conduct

There are a number of categories of conduct that do not require, and should not result, in detention.

Data from JMIS reveals that in 2017, 75% of the youth detentions were for non-violent offenses including property, drug and probation violations. Eighteen percent (18%) of the detention admissions in 2017 were for property offenses. Probation violations accounted for 5.8% of the detention admissions. And the catch-all category of “warrants” accounted for 27.7% of all admissions.



Data from JMIS also reveals that there are still detentions for status offenses – 43 detentions for status offenses in 2016. Note that the **detention of status offenders is expressly prohibited** under the Juvenile Court Act in 705 ILCS 405/5-401(3):

(3) Except for minors accused of violation of an order of the court, any minor accused of any act under federal or State law, or a municipal or county ordinance that would not be illegal if committed by an adult, cannot be placed in a jail, municipal lockup, detention center, or secure correctional facility. Juveniles accused with underage consumption and underage possession of alcohol cannot be placed in a jail, municipal lockup, detention center, or correctional facility.

Probation violation admissions to detention are problematic and need fuller review and explanation. There were 600 detention admissions of violations of probation in 2016. It is unclear whether these were technical violations, or violations caused by an arrest for a new offense. Generally, a serious violent new offense would be separately charged, rather than handled as a violation of probation. There is little

data on juvenile probation violations, sanctions and outcomes, but lately the legislature has expressed concern that some juvenile probation sentences are too long (mandatory 5 year probation for forcible felony offenses), and policy makers are beginning to question whether probation violations represent a failure of probation, rather than a failure of the young person. The large number of detention admissions for probation violations highlights the need for greater data and transparency on this issue.

Warrants represent another uncharted territory in detention admissions. In 2017, warrants represented 27.7% of the overall detention admissions. “Warrants may be issued by the court when it determines the youth may endanger him or herself, or others.” This, of course, is discretionary. Warrants may also be issued when a youth fails to appear for court. Most young people will return to court, but are reliant on adults in their lives to help keep track of dates, transport to court, etc. Policies and practices should be in place to ensure that children and families are reminded about their court dates. However, the way that data is collected does not allow for a determination of the origin of a warrant to it is difficult to assess the scope of the issue and make appropriate recommendations to reduce the detention of youth based on warrants.

RECOMMENDATION #4: Reduce reliance on detention by doing the following:

- Ensure compliance with existing state law that prohibits detention for status offenses.
- Prohibit detention for non-violent offenses including property and drug offenses.
- End the use of detention for violations of probation by utilizing intermediate community-based sanctions.
- Assess the use of warrants as the predicate for juvenile detention and improve policies, procedures and practices to reduce the incidence of detention based on warrants.

Lack of Adequate Review & Protections

No Weekend or Holiday Review of Decision to Detain

Adults get review 24/7. A person arrested as an adult in Illinois has a right to review of the decision to hold in jail before a judge “without unnecessary delay”. 725 ILCS 5/109-1.

Juvenile review is 40 hours excluding weekends/holidays. However, a person arrested as a juvenile does not have the same right as does an adult to a review of the decision to detain. By Illinois law, juveniles have a right to a detention review – but that review is only within 40 hours excluding weekends and holidays. 705 ILCS 405/5-415. [Prior to 1999, the detention review had to be held within 36 hours]. This means that juveniles have to wait longer for a review of the decision to detain them than a similarly situated adult.

Best practice is 24/7. Because detention can be traumatic and disruptive to a child’s life, best practice requires a review of the decision to detain within a very short timeframe. Nationally, the Annie E. Casey Foundation recommends limiting that time to 24 hours including weekends and holidays.³⁰

Weekend Review successful in Cook County. The Circuit Court of Cook County issued an order on October 7, 2016 that *Detention hearings in the juvenile court of the circuit court for Cook County shall be held every day of the year, including weekends and holidays.* In November of 2016, the Cook County Juvenile Court began holding daily detention hearings, including weekends and holidays. The judges reported at a Juvenile Leadership Event in the fall of 2017 that the weekend review was successful, resulting in an average of 40% release, most on electronic monitoring.

New Jersey is a good example of a state with a model statute. The New Jersey statute requires a detention hearing within 24 hours including weekends and holidays, and New Jersey Court Rule clarifies the hearing shall be no later than the morning following placement in custody. N.J. Stat. Ann. § 2A:4A-38(e). Weekend review has occurred in New York City since 2008. In Palm Beach, Florida, juveniles held in detention get a detention review the next day. Miami, Florida holds daily detention hearings. Similarly, in Pima County, Arizona, detention hearings are held daily.³¹

RECOMMENDATION #5: Require 24/7 review of the decision to detain a child. Ensure there is a panel of trained and resourced lawyers who are available on the weekend across state to represent youth in person during detention review.

³⁰ <http://www.aecf.org/m/resourcedoc/aecf-embeddingdetentionreform-2014.pdf>

³¹ Burrell, Sue; *The 48-Hour Rule and Overdetention in California Juvenile Proceedings*, 07 JJLP Winter 2016.

LACK OF TRANSPARENCY AND OVERSIGHT

Currently, there is little public reporting of detention practices and no public oversight of detention in Illinois. As detention populations continue to decline, detention centers have the opportunity to better tailor their practices and programming to those youth who continue to be sent to detention. Appropriate transparency and oversight can help drive the improvement of policies, practices and programming.

Reporting of Detention Practices

The John Howard Association of Illinois released a report on the Depke Juvenile Complex in Lake County. In the introduction to the report, JHA noted:

It is now well established that collecting juvenile justice data and making such data readily available to the public are essential to ensuring the juvenile programs and detention facilities function safely and effectively and make the best use of limited taxpayer dollars.

Illinois has a statewide data collection tool- Judicial Management Information System (JMS)- and an annual report created by the Illinois Juvenile Justice Commission to gather overarching data, but the report contains “just the facts” without any policy analysis or recommendations.

Additionally, there is no formal requirement in Illinois to ensure that local county juvenile detention and residential facilities are subject to independent public oversight through routine civil monitoring.³² A public oversight body or ombudsperson is a valuable resource to ensure transparency and best practices. The Illinois Department of Juvenile Justice implemented an ombudsperson, starting in August of 2015. The ombudsperson visits facilities, meets with youth, family members and staff to address inquiries, discuss issues and complaints and have dialogue through talking circles. Recommendations are then passed on to the Department of Juvenile Justice. A similar oversight capacity is essential to ensure humane conditions for youth in detention.

Illinois does not have a system to ensure that its 16 county juvenile detention facilities are routinely subject to independent oversight, monitoring and public reporting on custodial practices, conditions of confinement and the treatment of youth. As more and more delinquent youth are diverted from IDJJ commitment, and instead are handled at the county and community level, the need for independent monitoring is imperative to ensure that county detention facilities and community interventions are safe, legal, and humane.³³

RECOMMENDATION #6: Ensure public and independent oversight of juvenile detention through timely and public reporting of the use of detention, through annual policy analysis of the data with recommendations for improvement, and through routine civil monitoring.

³² John Howard Association of Illinois, *Promoting Transparency and Accountability in Juvenile Detention Facilities: A report on the JHA’s visit to the Depke Juvenile Complex, Lake County, IL*, www.thejha.org

³³ <http://www.thejha.org/sites/default/files/JHA%20Next%20Steps%20on%20the%20Path%20of%20Juvenile%20Justice%20Reform%20Part%20I%20May%202017.pdf>

Minimal Standards for Juvenile Detention

Despite decades of litigation and attention to detention conditions by national movements such as the Juvenile Detention Alternatives Initiative, Illinois has not updated its state standards for juvenile detention in decades. As a result, the standards represent a bare minimum in requirements – focused on basic physical structural issues such as adequate ventilation – but lacking the more rigorous detail addressed in more recent inspection tools such as the JDAI detention inspection guidelines.

With **no meaningful oversight**, and the bare **minimum of state standards**, detention conditions are effectively hidden from the general public. When standards are in place and meaningful oversight occurs, problems and concerns come to light and can be addressed. When the John Howard Association conducts monitoring visits of the IDJJ facilities, they observe/interview youth, staff, interactions between youth/staff, physical plant, and programming – among other things. There is no systemic way for this type of monitoring, observation and analysis to occur for the 16 Illinois juvenile detention facilities.

Issues such as lack of adequate programming and education, family access, and staff training are just a few of the potential issues that are unmonitored. In addition, the mental and emotional health of detained youth is a constant issue even when mental health services are fully implemented. The recent NIJ report notes that *“Justice-involved youth often have histories of abuse and failure by adults around them that add to the complexities of normal adolescent development. The trauma many of these young people have experienced makes them especially sensitive to environmental triggers, and yet, many are kept in institutional environments that seem designed to trigger trauma and rage: long periods of isolation; harsh, sterile surroundings; bright lights; a constant din; and a near-constant threat of violence.”*³⁴

The John Howard Association (JHA) did complete a monitoring visit with the Kane County Juvenile Detention Facility in 2017. They noted several points of strength including that the young people reported feeling safe at the facility and the dedication of their staff as well as some innovative approaches and programming like: trauma sensitive approaches, dual-credit opportunities, yoga, art, and dog therapy. Monitoring and analysis of detention facilities not only brings problems and challenges to light, it also highlights successful approaches that could then be replicated elsewhere. JHA also noted some concerns, especially around psychiatric coverage and access to family. Specifically, they noted that youth earn visits with

³⁴ NIJ, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*, Oct. 2016.

family with good behavior despite research that supports the idea that youth have better outcomes after release when they have maintained contact with family.³⁵

The lack of oversight and attention to the detention of young people is particularly striking given the increasing attention by the public to improving conditions of confinement for animals. Lessons could be learned from the movement for humane treatment of animals, which increasingly require poultry farms to be “certified humane.” To the extent that children are detained, the facilities should be “certified humane” for children.

RECOMMENDATION #7: Revise standards of detention to ensure compliance with national and international best practice and human dignity.

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<http://www.thejha.org/sites/default/files/JHA%20Kane%20County%20Juvenile%20Justice%20Center%20Report%20Nov%202017.pdf>

Electronic Monitoring – Troubling Development or Appropriate Alternative to Detention?

The national push to reduce the adult and juvenile jail populations has spurred the growth of electronic monitoring (EM) programs across the country. This has led to the reduction in juvenile detention in some counties, but questions remain about which cases are appropriate for electronic monitoring, the suitability of electronic monitoring for children, the types of devices used and related concerns about the technology, and the flow of dollars to pay for electronic monitoring (who profits from it and at whose expense?).

According to a Pew study, the number of active offender-monitoring devices in the U.S. increased nearly 140 percent from 2005 to 2015, when more than 125,000 people were supervised with the devices. This number has likely increased in the years that have elapsed since the study was completed.

A 2012 study by the Pretrial Justice Institute found that nearly 90 percent of people would return to court with little more than a reminder of their court date. News reports also reveal concerns about private providers monitoring EM systems. These issues indicate that we should be thinking critically about why and for whom we use EM.

Juvenile electronic monitoring presents another set of issues that adults don't encounter. The monitors must be plugged into the wall regularly to charge, which attorneys say is often difficult for children who have trouble sitting still. Children are often forgetful and can face disciplinary action or be sent to a detention center if they do not charge their devices. Ankle monitors also subject them to stigma in school and among their friends.

By forcing children to stay inside their homes for certain periods of time, jurisdictions are also placing a heavy burden on families who have to rearrange schedules and priorities to make sure their children aren't violating the terms of their program. As a result of all these factors, young people often end up violating the terms of their release. We need to examine how many children end up in detention not for new offenses, but for technical violations related to EM.³⁶

RECOMMENDATION #8: Require the reporting and analysis of the use, impact and cost/benefit of Electronic Monitoring of children. Develop standards for use, length of time, and monitoring practices.

³⁶ <https://theappeal.org/chicago-electronic-monitoring-wiretapping-juveniles/>

REPURPOSING JUVENILE DETENTION FACILITIES

Once the juvenile detention population has been “right-sized” by appropriately serving more young people in community settings, eliminating the detention of children under 14, and intentionally ending disparate detention practices, what should happen to detention facilities?

According to the Sentencing Project, across the country there has been a 39% decrease in the number of juvenile facilities with almost 1,200 closures of between 2000 and 2014.

The Sentencing Project’s publication on repurposing closed prisons compiles examples of how to use facilities in new ways and address some of the concerns and barriers to phasing out facilities. They note that “prison closures offer a challenge to officials and the communities that are impacted, particularly in rural areas with limited employment opportunities. In recent years, entrepreneurs, elected officials and community leaders in a handful of states have reimagined sites that once incarcerated prisoners for new uses.”³⁷

Some examples of how facilities can be repurposed include: services to adults leaving incarceration, day treatment for substance abuse or mental health, homeless services, small farm incubator, medical marijuana cultivation center, and distillery.

³⁷ <https://www.sentencingproject.org/publications/repurposing-new-beginnings-closed-prisons/>

Conclusion

Overreliance on juvenile detention in Illinois is a failed practice. Juvenile detention is harmful, costly, and increases the likelihood of repeat offending. Currently, detention is overused for non-violent offenses, warrants and probation violations leading to further harm to youth, families and communities. This can be attributed to many reasons including the lack of standards, oversight, resources for community based alternatives and wide-spread discretionary practices that can be adjusted with proper policies in place.

As long ago as 1973, the National Advisory Commission on Criminal Justice Standards and Goals concluded: *The prison, the reformatory, and the jail have achieved only a shocking record of failure. There is overwhelming evidence that these institutions create crime rather than prevent it.*" And the Commission went on to make the following recommendation:

*No new institutions for adults should be built and **existing institutions for juveniles should be closed.*** Nat'l Advisory Cmsn, 1973.

The evidence in Illinois continues to support the 1973 conclusion that juvenile detention is a failure. We cannot continue to embrace practices that we know harm children, disrupt their normal developmental trajectory, jeopardize their educational progress, and increase their risk for mental and behavioral health conditions.

Although the evidence has pointed to the negative outcomes of juvenile institutions for more than 45 years, Illinois continues to over-utilize juvenile detention. We realize that closing all detention centers without the capacity to respond to the needs of communities would not be helpful, yet, it is vital that we continue to reduce the number of youth who ever come in contact with juvenile detention.

The time has come to reimagine the juvenile detention system through rightsizing, sensible funding policies, and repurposing. By providing fiscal incentives to develop community-based responses instead of the perverse incentives that support detention, Illinois can more effectively intervene with young people in conflict with the law.

