



**Dialogue, Education &
Advocacy**

Access to Council Grants in Illinois
Juvenile Justice Initiative

Program Brief
Elizabeth Kooy, LCSW



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in Illinois

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The Juvenile Justice Initiative is a statewide advocacy coalition working to transform the juvenile justice system. The JJI advocates to reduce reliance on detention, to enhance fairness for all youth and to develop comprehensive community based resources throughout the state. Created in 2000, JJI has had many successes transforming the juvenile justice system in Illinois including transfer reform, creation of a new department of juvenile justice and re-allocation of resources to community based programs through Redeploy Illinois. JJI is funded by grants from the Models for Change Initiative of the John D. and Catherine T. MacArthur Foundation, The Woods Fund of Chicago and by the JEHT Foundation. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the aforementioned foundations. Funding for the projects described in this report was provided through federal funds distributed by the Illinois Juvenile Justice Commission.

Introduction

Effective legal advocacy for youth in the juvenile justice system is critical to ensure that the system functions as intended and to provide youth with the opportunity to change their behaviors and capacities. The Access to Counsel pilot projects in Illinois grew directly out of the recognition of this important fact. It was established in July 2003, utilizing federal Title II funds granted by the Office of Juvenile Justice and Delinquency Prevention through the Illinois Juvenile Justice Commission. Funding ended in 2006. The same three agencies provided Access to Counsel services successfully throughout the program's tenure.

The goal of the Access to Counsel program in Illinois was to assure that youth who are involved in the juvenile justice system were provided with effective legal representation at all stages of the juvenile justice process. This was deemed particularly important at the earliest stage possible, specifically at the initial pre-adjudicatory detention hearing. Legal advocacy for youth in the system is critical in order to ensure that the juvenile justice process functions as intended to provide youth with the opportunity to change their behavior.

Introduction

continued

The Access to Counsel program utilized federal funds (exclusively) to provide legal representation to youth in the juvenile justice system, identify gaps or obstacles to effective legal advocacy for youth, and address these gaps and/or obstacles. The Illinois Department of Human Services (DHS) established partnerships within the legal and court communities that serve delinquent youth, both within the public defender system and the private legal community. The project goals included assessing the status of caseloads carried by public defenders representing juveniles and identifying obstacles to effective representation. One such obstacle identified was the timing for appointment of counsel and its effect on the preparedness of the defender at the detention hearing. Short time periods between the appointment of counsel and the detention hearing could lead to ineffective representation and/or routine waiver to criminal court.

Each site used its funding to tackle problems unique to its jurisdiction. In general, services were provided to high-risk delinquent youth ages 10-17 involved in the juvenile justice system. The pilot projects served approximately 900 youth annually. While all three pilots enjoyed some level of success, McLean County's program was the most successful in reducing its detention numbers and is the only site to receive continuation funding for the program through its county budget.

Program Description – McLean County

The McLean County Public Defender's office used its funding to hire a case manager to help with detention hearings. This position has been institutionalized within the county structure with the county providing funding after the Access to Counsel grant funding finished. The program developed a standardized intake screening form that was and continues to be used to help the attorneys at the detention hearing. This form was also used as the model for detention interviews across the state and in other states.

The McLean County Public Defender's Office developed a case management program to address the needs of recently detained delinquent minors in the Juvenile Detention Center (JDC). Delinquent minors ranging from ages 10 to 16 charged with a criminal offense (petition to revoke probation, request for apprehension, or an active warrant) are eligible for program participation.

As in all counties, there are numerous criteria used to determine if a minor should be detained, including a point-based screening process in McLean. Should points exceed the maximum allowed on the "Detention Intake Screening Instrument" (12 or more), the juvenile will be detained. The checklist details charges and the points assigned to each charge. Offenses designated "serious" are assigned a higher number of points than those for other felonies and misdemeanors (non-violent crimes). Additional points are added if the juvenile has multiple pending cases, prior offenses, failures to appear in court, probation, or informal supervision at the time of evaluation. The screening instrument can be bypassed and the juvenile detained either by the arresting officer or by juvenile court services. Deciding factors include possible gang activity, possession of large quantities of drugs, continued violence, and history of flight to avoid prosecution.

Program Description – McLean County

continued

The lack of information prior to detention hearings led to increased rates of detention and the McLean County Public Defender's Office was committed to expanding information available to defenders prior to the detention hearing. The office began by employing a Case Manager who has a Bachelor's degree in Social work and experience working with juveniles in the community. Upon learning of a new detainee, the case manager gathers files to review the juvenile's history. Information regarding court appearances, prior or existing drug use or addiction, school records, prior behavioral and emotional issues, parent or guardian information, and current offenses is given to the representing attorney for documentation during the detention hearing. Hearings are typically scheduled for the business day following detention.

The first priority of the case manager is to locate an alternative to detention. Juveniles are detained until adjudication if they have no alternative to living with a parent or guardian. If there is no contact possible with the parent or guardian prior to the detention hearing, the case manager will try to locate an alternative placement with relatives aged 21 years or older. Close relatives can be used in place of the legal parent or guardian. Utilizing information received from the juvenile on the "Juvenile Client History" form, the case manager contacts and informs the juvenile's parent/guardian about the detention hearing. If contact with the parent/guardian is not possible, the alternative relatives listed are contacted and informed that they are needed for placement of the juvenile if he/she is released from detention.

The second priority of the case manager is to conduct an intake screen with the new detainees at the JDC. The intake screen is completed by utilizing information from the "Juvenile Client History" form. The "Juvenile Client History" form is used to obtain background information for the defense attorney to assist in case preparation.

Program Description – McLean County

continued

The first section of the “Juvenile Client History” form provides data in correlation to the juvenile’s court history, including whether the juvenile had charges or contact with the police in the past, and/or Juvenile Court Services sanctions with informal supervision. This section also includes information on the juvenile’s history and/or drug abuse. The second section provides information concerning the juvenile’s education, including the name of the juvenile’s school, academic record, grade, classes taken, attendance, and any suspension information. The third section covers release issues concerning the juvenile’s placement. This section helps determine if the case manager needs to find alternative placement to living with the parent or guardian. It provides information on the juvenile’s attitude toward the parental or caregiver support he/she received, including contact information for parent, guardian, or alternative relatives. A final section includes information on the current charge.

Although the case management program is committed to reducing pre-trial detention time for delinquent minors, other services are also provided. The case manager follows the case activity from initiation to the disposition hearing. The case manager becomes an advocate for the juvenile, providing support during the court proceedings and acting as a surrogate in the absence of the juvenile’s family or guardian. The case manager also visits the JDC to provide continuous support and mentoring to the client. During the mentoring process, the case manager focuses on areas of needs, such as developing social skills, problem solving and handling anger. Getting to know the juvenile socially assists the case manager when making referrals for the juvenile and/or his family.

There is a population of juvenile offenders returned to their previous community who require a level of community support beyond what is offered by the case manager. This includes counseling, vocational, drug treatment and/or educational services. The case manager also refers the parent or guardian to provide services based on the needs of the juvenile. Examples of agencies involved include Chestnut Health Systems (substance abuse), Big Brother/Big Sister (mentoring), OPTIONS (anger management), Youth Build/Scoop Dreams (employment), and the Regional Office of Education.

Program Budget and Impact – McLean County

According to the McLean County Public Defender's Office, the major objective of the juvenile case management program was to decrease the time juveniles spend in pre-trial detention. Two goals were targeted for the program:

- 1. to reduce pre-trial detention days for recently detained delinquent minors at the JDC.*
- 2. to act as a surrogate parent for juveniles during their detention hearings.*

Data is available for one year of the program (FY06). There was one staff person in the 11 months of the program. The program costs were \$40,482.25 with 266 youth served during this time – with an average cost of \$152.19 per youth and 1,785 hours of advocate time. There is no data available on length of stay in detention. There is however, data on detention admissions which shows a significant decrease in detention admissions during the program- from 274 in 2002 to 186 in 2005 in the middle of the program. The detention admissions continued to be well below the 2002 number and include a 25% decrease in 2007 after federal funding for the program finished. It should be noted that McLean County continues to fund this position on a part-time basis.

Program Description – 15th Circuit

The 15th Circuit used its Access to Counsel funding to hire licensed clinicians to assess clients at various stages of the court process. Attorneys gained valuable information regarding their clients and were better able to advocate for the needs of their clients with these assessments. Once the grant funding stopped, the assessments also stopped, leaving a gap in services for many youth in the 15th circuit.

Alliances Counseling Services provided Access to Counsel services in the form of intervention, advocacy and support services to the existing Public Defenders in the 15th Judicial Circuit- consisting of Lee, Ogle, Jo Davies, Carroll and Stephenson counties. Alliances Counseling Services offered a multi-disciplinary team from a community-based private agency. The multi-disciplinary team consisted of two master's level, licensed clinicians and a child psychiatrist. Any youth residing within the 15th judicial circuit who was involved with the juvenile justice system was eligible to receive services in this program. Services were accessed directly by the Public Defender either at the time of the court hearing or via a fax referral form.

Alliances Counseling Services provided the Public Defenders with data regarding their clients in the juvenile justice system through consultation and intervention services. The therapists assessed the strengths and needs of each referred youth and offered data regarding research and best practices to address each youth's individual needs. These included consultation relative to community-wide and juvenile justice trends, information relative to specific youth needs, the most appropriate recommendation regarding placement options, treatment interventions and their efficacy, detention and prognosis for change. When indicated, the Public Defenders Office also had access to a range of services from the service subcontractor including psychiatric evaluation, mental health assessment, diagnostic impression, treatment and placement recommendations, and consultation and advocacy during court proceedings.

Program Description – 15th Circuit

continued

Given the limited resources devoted towards the Public Defenders Office in these counties prior to the Access to Counsel grant each had struggled to be able to devote the time necessary to research and investigate each case and assess the needs of their juvenile clients. Alliances Counseling Services provided intervention, support, and advocacy to decrease unnecessary detentions, delays or continuances while insuring that the youth received quality representation. The public and private defenders in the 15th Circuit had access to objective assessment information, data and resources to insure that case processing effectiveness was maximized and that the appropriate and individualized services to treat the youth were presented in court and could be easily obtained.

The term of involvement with the program was anywhere from one session to the length of an individual's involvement with the juvenile justice system depending on the youth's needs. The following is a list of collaborating partners in this project:

- Judge Pemberton – Chief Judge of the 15th Judicial Circuit
- Judge Payne – Lee County
- Judge Kauffman – Ogle County
- Leann Brandenburg – Court Administrator, 15th Judicial Circuit
- Kim Becker – Chief Managing Officer, Lee County Probation
- Don Kinn – Chief Managing Officer, Ogle County Probation

In addition to the supporters, this project engaged participation from the following members of the Public Defenders Office in the 15th Judicial Circuit:

- Robert A. Bush – Jo Daviess County
- Doug Clymer – Stephenson County
- Steven A. Cox – Stephenson County
- Mike Downey – Lee County
- Don Miller – Ogle County
- Robert Miller – Stephenson County
- Wade Morris – Stephenson County
- Joe Nack – Jo Daviess County
- Thomas Nack – Jo Daviess County
- John Reddington – Ogle County
- Dennis Riley – Ogle County
- Don Schweih's – Carroll County
- Robert J. Thompson – Lee County
- Mark Zaleski – Stephenson County

Program Budget – 15th Circuit

In FY04 and FY05, Alliance Counseling Services received \$80,000 for 1.6 Full Time staff. During that time, they served 43 youth. A total of 43 mental health assessments, 92 court reports/summaries, and 43 records with contacts/service records were conducted, and staff spent approximately 1352 hours on advocacy services during this time. The cost per youth was approximately \$1,860.

In FY06, Alliance Counseling Services received \$40,000 for 1.6 Full time staff. During that time, they served 35 youth. A total of 15 mental health assessments and 23 court reports were conducted and staff spent approximately 520 hours on advocacy activities during this time. The cost per youth was approximately \$1,142.

Program Outcomes– 15th Circuit

Alliance Counseling Services reported that the Public Defenders were better able to speak to their clients' actual needs. They believed that the services also helped probation because Alliance Counseling did a lot of the assessments and location of services for the youth – relieving some of the pressure on probation to perform these functions. Alliance Counseling reported that most of their services involved sex offender assessment and treatment referrals.

The 15th circuit saw a decrease in detention admissions over the course of the pilot project. The 15th circuit did however see an increase in admissions to the Department of Juvenile Justice.

Program Description – Peoria

In Peoria, the Chief Public Defender contracted with an Attorney and two Information Gathering Specialists (IGS) to provide services through the Access to Counsel grant. The IGS individuals met with the juveniles individually at the Juvenile Detention Center and gathered the data to pass on to the Attorney who handled all of the Juvenile Detention Hearings. They also contacted the detainee's parent/guardian and gathered pertinent information. The Attorney then utilized the information to assist in arguing against further secure detention and in favor of an alternative to secure detention in those cases where the Court orders detention.

When Peoria County juveniles were referred to detention, the law enforcement agency contacted the juvenile detention center (JDC) by phone to request that a juvenile in custody be detained. The JDC screened the referral by working through the Screening Instrument. The decision to detain (yes or no) was determined by the score calculated through the Screening Instrument (based on the combination of information provided by the Police and available in the County's computer system). The Peoria County juveniles who were initially detained are the target population.

The Information Gathering Specialist met with each detained juvenile and met with the detainee's parent/guardian to gather pertinent information from them and then passed this information to the Public Defender prior to the juvenile's detention hearing. This specialist attempted to establish a positive contact with the parent/guardian encouraging them to be advocates for their juvenile.

Program Description – Peoria

continued

The Public Defender utilized the information gathered to assist in constructing a defense and argument against further secure detention and in favor of an alternative to secure detention. The Public Defender was aware of the alternatives available and had knowledge of the characteristics and circumstances of those juveniles who come before the Court in detention hearings because of the information gathered by the specialist.

Typically, the Public Defender dealing with these detention hearings was finished with his representation for the juvenile at the close of the detention hearing. On occasion, however, this Public Defender would make an additional argument for release from secure detention when circumstances or conditions had changed subsequent to the detention hearing.

Program Budget – Peoria

Data is available for FY06. In that year, 1.25 staff (attorney at 25% and two data assistants combining for 100%) served 583 youth. The grant totaled \$50,000 or \$85.76 per youth served.

Program Outcomes – Peoria

Peoria county's detention admissions saw an increase in 2003 and 2004 and a decrease again in 2005 and 2006.

Number of Admissions to Secure Detention: 2002 – 2007

	2002	2003	2004	2005	2006	2007	% Change
Carrol	14	6	5	12	10	10	-29
Jo Davies	5	5	6	4	2	1	-80
Lee	12	9	17	22	8	10	-17
Ogle	36	43	37	40	34	54	50
Stephenson	68	66	55	51	55	41	-40
15th Circuit Total	135	129	120	129	109	116	-14
McLean	274	210	261	186	219	205	-25
Peoria	804	821	876	849	806	769	-4

New Court Admissions to Department of Juvenile Justice in 15th Circuit

	2002	2003	2004	2005	2006	2007
Carrol	6	1	1	3	3	1
Jo Davies	1	1	4	5	2	2
Lee	2	4	3	12	18	5
Ogle	2	2	7	7	4	7
Stephenson	2	17	20	17	8	31
Total	13	25	35	44	35	46

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This brief was designed by William Moran.

For more information, contact:

Elizabeth Kooy
Research and Policy Advocate
Juvenile Justice Initiative
413 W. Monroe
Springfield, IL 62704
773-316-7327
eakooy@hotmail.com

www.jjustice.org



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