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**TESTIMONY**  
**Juvenile Justice Initiative**  
**Safety in the Dept. of Juvenile Justice**  
**Hearing before House Approp. – Public Safety Committee**

December 5, 2017, Chicago, IL

Thank you to the Sponsoring Committee Chair Representative Kelly Cassidy, and to all the legislators here today to consider issues that impact the safety of our young people in the Department of Juvenile Justice.

We commend you for addressing these critical issues, as it is essential to ensure our children are safe, particularly when incarcerated.

The Juvenile Justice Initiative (JJI) actively participated in the ad hoc advisory committee that helped draft the new language creating DJJ and in the Transition Team created by the Governor after the legislation was passed. As a not-for-profit organization, the JJI Board and staff continue to review and comment on the progress made by DJJ toward meeting its stated mission.

**CREATION OF IL DEPT OF JUVENILE JUSTICE**

Legislative concerns over conditions in juvenile facilities within the Dept .of Corrections led to the creation of a separate agency for juvenile prisons – the IL Dept of Juvenile Justice, created through Public Act 94-696 in 2006. The Department had a therapeutic mission, and was supposed to shift the culture in the facilities to a treatment focus rather than punishment.

In 2007 when the Department of Juvenile Justice opened its doors, the juvenile population was over 1,400 and expected to rise to 1,769 by 2016.

**In May of 2017, the Dept. of Juvenile Justice (IDJJ) reported a population of 391 – a 73% decline over the decade of the existence of IDJJ.**

**Part of the reason for the reduction in numbers in juvenile prison was the creation of Redeploy Illinois.** In 2004, Illinois created Redeploy Illinois (P.A. 93-0641), a fiscal incentive program to grant funds for alternatives to incarceration to counties that agreed to reduce incarceration by 25%. By 2014, Redeploy reported success in saving the state nearly \$60 million over the 8 years of Redeploy, with a 54% reduction in commitments to juvenile prison.

The impact of the small amount of funding designated for juvenile Redeploy (never more than \$4.8 million annually) has been dramatic. The reduction in juvenile incarceration

has been accompanied by a reduction in juvenile arrests and in pre-trial detention. The following table illustrates the dramatic shift in Illinois away from juvenile incarceration to community alternatives:

	Juvenile Arrests Statewide	Juvenile Detention Admissions	DJJ Population	DJJ General Funds
2005			1,434	
FY10	43,107	13,445	1,162	\$133,222.0
FY11	38,946	12,611	1,144	\$124,419.8
FY12	34,968	11,793		\$123,819.7
FY13	31,157	11,512		\$116,390
FY14	30,232	11,959	754	\$119,319.6
FY15	28,044	11,061	698	\$120,736.6
FY16	24,154	10,081	392	\$124,628.5

So, Illinois has:

- Decreased the number of children in juvenile prison (IDJJ) by two-thirds AND
- Decreased the number of children in pre-trial detention by one-third... AND
- Closed 3 of the 8 juvenile prisons in Illinois AND
- Decreased juvenile arrests by nearly half.

This state's investment in community alternatives through Redeploy Illinois appears to have had the intended effect on crime reduction - reducing arrests throughout the state as well as lowering costs.

Redeploy was not the only strategy to reduce commitments to juvenile prison. Other reforms have reduced the numbers going into juvenile prison, including:

- **Ending misdemeanor commitments** to juvenile prison in 2016 (P.A. 99-0268),
- **Juvenile parole reform** (P.A. 99-0268), and
- **Incarceration as a last resort** – In 2011, the Illinois Legislature required courts to make sure incarceration was the last resort and to make reasonable efforts to keep youth at home. (Public Act 97-0362)

**BUT while these reforms have dramatically reduced the juvenile prison population, they have proved insufficient to change the culture in the two remaining large juvenile prisons – Harrisburg and St Charles.**

**Conditions in the two remaining large prisons (Harrisburg and St Charles) remain unacceptable and intractable.** The juvenile prisons in the Dept. of Juvenile Justice have been under class action litigation since 2012. Conditions concerns litigated in the class action included the lack of mental health services, the overuse of solitary confinement, safety of young people in the facilities from violence from staff as well as from other youth. Concerns over insufficient programming and education services were documented by the Independent Ombudsman who described excessive use of room confinement at St. Charles IYC.

<https://www.illinois.gov/idjj/SiteAssets/Pages/IndependentOmbudsman/Letter%20and%20Annual%20Report%20FY2016.pdf>

But while lack of programming & excessive confinement is a continuing issue at St Charles, the problems at Harrisburg are even more concerning. Recent news articles documented reports that staff at the juvenile prison at Harrisburg have gone outside the agency's structure for discipline and have taken complaints to the local prosecutor – who complied by prosecuting youth, and by prosecuting older youth in adult court.

<https://www.propublica.org/article/illinois-youths-adult-prison> As the article notes, the cases threaten to undermine the reform efforts in the Illinois prisons:

*The American Civil Liberties Union of Illinois, which monitors the juvenile justice department as part of a federal consent decree, said in July court filings the prosecutions were a “deliberate and concerted attack” on the reform efforts. The group has accused Harrisburg staff of creating an “alternative correctional system” to drive a steady flow of prosecutions for what the ACLU describes as “trivial” incidents.*

**It is particularly troubling to note that at least 8 young people are currently serving lengthy (3 – 8 year sentences) in adult prisons based on juvenile prison staff initiated prosecutions.** This is a stunning indication of the failure of the Harrisburg facility to adapt to a therapeutic modality.

As documented in the *pro publica* article, these prosecutions stem from minor discipline issues that could - and should - have been effectively handled within the facility . The fact that a decade after the philosophical shift to treatment, staff bypassed (and may still be bypassing) the institutional discipline processes to resort instead to a punishment mode of court prosecution & incarceration, indicates that a culture shift to a treatment model is proving impossible in Harrisburg IYC.

**The intractability of the two remaining large facilities, a decade after the shift from punishment to treatment, means that the only effective response is to close St Charles and Harrisburg.**

Illinois has experience successfully closing juvenile prisons. Three of the eight juvenile prisons have already been closed and retrofitted to adult centers – only two large institutions remain at St Charles and Harrisburg. IYC Murphysboro and Joliet both closed in 2013, due to a population reduction – IYC Kewanee closed in 2016. The other three remaining facilities (Warrenville, Chicago and Pere Marquette) are small and have had an easier time adapting to the shift in culture.

This downsizing is consistent with research and policy shifts across the nation to move away from large prisons to small, regional facilities, more like group homes than prisons. New York state is a prime example of this policy shift, as they closed large juvenile prisons in upstate New York and moved to small residential group homes where youth can received therapeutic services in or near their home community in New York City (the Close to Home Initiative) - <https://www1.nyc.gov/site/acs/justice/close-home.page> Missouri is another example of the success of a shift to small regional facilities, along with a comprehensive continuum of services. Closing IYC Harrisburg and IYC St Charles would complete the reforms envisioned in the creation of the Dept of Juvenile Justice. The closures would force the IDJJ to complete the shift away from a punitive to a treatment/therapeutic model.

**Shift intake and assessment to local level** – The two remaining large juvenile prisons are the state facilities designated to conduct “intake reception and classification” of youth committed to IDJJ. St. Charles is the reception and classification site for the northern part of the state – Harrisburg is the site for the southern part of the state. Closing the two facilities that currently process newly committed youth would allow the state to shift resources to conduct intake and assessment on the local level. Missouri has been successfully conducting intake locally for decades – the following outline illustrates the model.

#### **STEPS TO COMPLETE SHIFT TO A THERAPEUTIC APPROACH:**

- **SHIFT PLACEMENT PROCESS TO LOCAL LEVEL**
  - **Assessment - conduct assessment close to home to determine level of individualized treatment.** Currently in Illinois, once a juvenile court commits a young person to the Dept of Juvenile Justice, the youth is removed from his/her home community and transported to one of two “reception and classification” juvenile prisons (either St Charles or Harrisburg). But in a truly therapeutic system like Missouri’s DYS, once the juvenile court orders a minor placed with the state agency, staff from the agency gathers information about the youth and interviews the youth and family while the youth is still within their home community. This initial assessment happens prior to the state transporting the youth anywhere - indeed, the state agency gathers data to decide on the appropriate level of treatment from among a wide range of services including local wrap around services that would not involve removing a youth from home. Further, in Missouri’s model, a case manager is assigned to conduct the initial assessment, and that same case manager remains with the youth throughout the time in DYS.
  - **Develop individualized case management plan** – An individualized case plan is critical to effectively provide treatment. One big advantage to conducting assessment close to home is the opportunity to engage the youth’s family directly in the assessment process. Case managers can interview family members as well as the youth, as they develop case plans. If the assessment indicates that out of home placement is appropriate, family can be engaged from the beginning to plan for reentry.

***THIS IS NOT A NEW IDEA FOR ILLINOIS*** – the Mental Health Juvenile Justice Initiative (MHJJ) began in seven counties in Illinois in 2000, and was expanded a year later to all counties with a detention center. Children who were identified by court staff as possibly having a mental illness were referred to the program. An MHJJ liaison assessed the youth and worked with the family to develop an individualized plan utilizing community wraparound services (rather than detention). The MHJJ program was evaluated by the Northwestern Medical School, and found to be successful in ameliorating psychopathology and reducing delinquency (only 42% of youth were rearrested compared with a statewide rate of 72% of detained youth). [https://www.researchgate.net/profile/John\\_Lyons5/publication/8984541\\_Clinical\\_and\\_Forensic\\_Outcomes\\_From\\_the\\_Illinois\\_Mental\\_Health\\_Juvenile\\_Justice\\_Initiative/links/5519d9090cf26cbb81a2b390/Clinical-and-Forensic-Outcomes-From-the-Illinois-Mental-Health-Juvenile-Justice-Initiative.pdf](https://www.researchgate.net/profile/John_Lyons5/publication/8984541_Clinical_and_Forensic_Outcomes_From_the_Illinois_Mental_Health_Juvenile_Justice_Initiative/links/5519d9090cf26cbb81a2b390/Clinical-and-Forensic-Outcomes-From-the-Illinois-Mental-Health-Juvenile-Justice-Initiative.pdf)

- **EXPAND RANGE of ALTERNATIVES by shifting resources from prisons to treatment** – A truly therapeutic system has a wide range of placement and treatment options. Closing Harrisburg and St. Charles would free up resources from costly large facilities to invest locally in community alternatives. Options in Missouri’s DYS include:
  - Community services including intensive case management and family therapy
  - Day treatment
  - Family therapy
  - Alternative living – foster family, independent living, etc
  - Group homes
  - Moderate residential placement
  - Small (30 beds) regional secure care facilities
  - Special needs
  - Jobs training

New York’s Close to Home Initiative (C2H) began as a response to concerns that New York City children were being transported hours away from home to state run prisons in upstate New York. As the prisons were closed, funding was shifted to community group homes and services in New York City. The shift of funding enabled the city to develop an array of therapeutic and rehabilitative services, including services appropriate for youth with highly specialized needs ranging from developmental and intellectual disabilities to substance abuse and co-occurring disorders. An initial evaluation concluded that the C2H “successfully changed the youth justice system in New York City, and in the way intended by the designers of the reform.”

<https://johnjayrec.nyc/wp-content/uploads/2015/03/researchbrief201503.pdf>

Specifically, juvenile arrests, probation intakes, and detention admissions all fell in New York City after C2H – and fell faster than reductions in the rest of the state.

**In addition, Illinois needs to Fully Fund Redeploy Illinois** - last year’s budget crisis resulted in program disruptions in many juvenile redeploy sites. As a result, figures released at the last Oversight Board meeting revealed that **in the Juvenile Redeploy Sites in 2016, there were 195 commitments of redeploy-eligible youth to IDJJ.** It is critical to ensure that Redeploy is fully funded so that every young person who is eligible receives Redeploy services in order to avoid commitment to state juvenile prison.

**URGENCY of these recommendations** – the youth held in IDJJ are overwhelmingly black and brown – 78% were classified as either Black or Hispanic in FY16.

**Half (50.4%) of the IDJJ population in FY16 was held based on non-violent offenses** – indeed, less than 1% were held on murder, and less than 6% held for Class X offenses. Incarceration should only be a last resort – studies show that longer stays in incarceration are ineffective in reducing repeat offending.

[http://www.pathwaysstudy.pitt.edu/documents/OJJDP%20Fact%20Sheet\\_Pathways.pdf](http://www.pathwaysstudy.pitt.edu/documents/OJJDP%20Fact%20Sheet_Pathways.pdf)

We can – and must – do better for all our young people.

**In conclusion, we submit the following recommendations.**

**RECOMMENDATIONS:**

- 1. Close IYC Harrisburg and IYC St. Charles**
- 2. Shift resources (from savings from closed facilities) to develop capacity to assess at local level and involve family in development of case management plan. Assign case manager to remain with youth throughout agency placement.**
- 3. Shift resources (from savings from closed facilities) to expand range of comprehensive continuum of services.**
- 4. Fully fund Redeploy Illinois.**

Respectfully submitted,

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Juvenile Justice Initiative