Issue Brief: Court Commitments of Young Drug Offenders to the IDJJ

Prepared by Kanako Ishida, Policy Research Analyst

The conclusion that incarceration “doesn’t make sense” has been verified by recent reports from experts in the class action case R.J. v. Bishop on inadequate education and programming conditions in the Illinois Department of Juvenile Justice (IDJJ). Historically, more than half of the youth committed to Illinois state juvenile prison return within three years. The case against the use of incarceration is overwhelming – there is compelling evidence that heavy reliance on youth incarceration:

• Does not reduce future offending: Research shows that youth who are involved in Illinois youth prisons are very likely to be rearrested (72.8%) than youth kept in community (17.4%).

• Provides no overall benefit to public safety: Various studies show that incarceration provides no marginal “gain” in terms of averting future crime. Moreover, juvenile incarceration is estimated to decrease high school graduation by 13 percentage points and increase adult incarceration by 22 percentage points.

Court commitments to the IDJJ have decreased over the past decade. In FY12 there were 1,023 court commitments to the IDJJ – significantly less than the 1,382 court commitments in FY09, or the more than 1,600 court commitments in FY99. Yet, in FY12 commitments for drug offenses were more than 7% higher than commitments for murder. Less than 1 percent of court commitments in FY2012 were based on murder cases. By contrast, drug offenses accounted for 7.4% of court commitments. This issue brief examines Illinois court commitments to youth prisons for drug offenses.

Prison Reduction Efforts: Illinois implemented two major initiatives over the past decade in an attempt to reduce commitments to youth prisons.

• Redeploy Illinois (begun in 2005 and now operating in 44 counties) gives participating counties a financial incentive to provide community-based services to eligible young offenders (non Class X/murder offenders). Redeploy Illinois saved the state $11.7 million in unnecessary incarceration costs in FY11, as 238 youth were diverted from expensive and ineffective youth prisons to less expensive community-based programs where they can receive the rehabilitative services they need. Court commitments in Madison County, one of the Redeploy counties, decreased by 52% from FY10 to FY11 compared to 24% decline in arrests from CY10 to CY11.

• Least Restrictive Standard - House Bill 83 [Public Act 97-0362] began in 2012. This law requires courts to comprehensively explore community alternatives prior to sentencing youth and established the least restrictive alternative standard, requiring the courts to find that “reasonable efforts have been made to prevent or eliminate the need for the minor to be removed from the home, or reasonable efforts cannot, at this time, for good cause, prevent or eliminate the need for removal and removal from home is in the best interests of the minor, the minor’s family, and the public.” Juvenile Justice Initiative compared the arrests, adjudications and court commitments to determine whether the reduction in commitments is merely due to decline in arrests. Champaign County, for instance, was not a Redeploy site, but decreased its court commitments to the IDJJ the year of the statutory reform. Court commitments in Champaign County decreased by 54%, from 72 to 33, over FY2011 – FY2012 period, compared to a mere 5% decline in arrests and 3% increase in adjudications from CY2011 to CY2012. Arrests in McLean County decreased by 3.24% from CY2011 to CY2012, and adjudications decreased by 10% over the two years. Court commitments decreased much significantly, by 40%, from FY2011 to FY2012.
Drug Commitments:
Although statewide court commitments have been steadily decreasing, Illinois courts continue to commit young non-violent drug offenders rather than treating them in community-based programs. Commitment puts these youth at risk of abuse, increases odds of recidivism and interrupts their education and opportunities for employment. Data showing commitments to the IDJJ from FY2010 to FY2012 for youth drug offenders reveal:
- Illinois committed 239 young drug offenders to the IDJJ over the three year period from FY10-FY12
- Each year, the majority of commitments were from Cook County
- The majority of drug commitments were for Class 4 felonies

Majority of Drug Commitments from Cook County.
Each year from FY2010 to FY2012, the majority of the drug commitments to the IDJJ were from Cook County – 85%, 70% and 79% respectively (Graph 1).

Majority of Drug Commitments for Low Level Felonies. There were 185 court commitments for drug offenses in Cook County over the three year period, FY2010-2012. Only 1% of the commitments were for the most serious Class X felony. 76% of the Cook County drug court commitments were for Class 4 and Misdemeanor offenses (Graph 2). In the rest of the state, 60 youth were committed to the IDJJ for drug offenses. Five drug commitments were for Class X felonies and 40 drug court commitments were for Class 4 and misdemeanor offenses (Graph 3).

Cook County reduced the proportion of court commitments for lesser offenses in FY2012, compared to FY2010. For instance, Class 4 felonies accounted for 72% of drug court commitments in FY2010. Two years later, Class 4 felonies accounted for 63% (Graph 4).
Outside of Cook County, the proportion of court commitments for Class 4 and misdemeanor drug offenses increased in FY2012 compared to FY2010 and FY2011. However, the total number of court commitments for drug offenses decreased by 12% from FY2010 to FY2012, and by 40% from FY2011 to FY2012. Court commitments for Class 4 drug offenses decreased from nine in FY2011 to eight in FY2012, and for misdemeanor drug offenses from nine to six (Graph 5).

Graph 5. Drug Court Commitments by Offense Class, non Cook Counties

Recommendations:
To ensure incarceration is used only as a last resort, Illinois should:

- **Expand Redeploy Illinois, especially to Cook County.** Cook County commits the most non-violent, low risk drug offenders. Redeploy Illinois is a cost-effective way to rehabilitate youth through community-based programs and it saves the state nearly $12 million annually:
  - Only 17.4% of youth who successfully completed Redeploy programs were arrested on new charges, compared to 72.8% of the youth who were committed to the IDJJ.
  - Even youth who started but did NOT successfully complete Redeploy programs were still less likely to be arrested on new charges (51.20%).

- **Identify available community-based programs that can serve youth and develop individualized case plans for youth prior to sentencing**

- **Ensure full compliance with the least restrictive standard** for all youth. Illinois must stop incarcerating youth adjudicated for non-violent drug offenses and provide them with the services they need.

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5. Id.
10. Arrest data is retrieved from the Criminal History Record Information, and included are youth of age up to 17.
11. Adjudication data was retrieved from the Administrative Office of the Illinois Courts available on the Illinois Criminal Justice Information Authority website.