A MESSAGE FROM JJI: Juvenile Justice in the News

President Obama declared October National Youth Justice Awareness Month, noting that all youth deserve a second chance. Illinois has made great progress towards the President’s goal, with reforms ensuring juvenile court protections for children under eighteen, and with dramatic reductions in the juvenile prison population. January 1st will be the effective date of several critical reforms - see page 2 for more information.

 Illinois is one of the national leaders in juvenile de-incarceration, having reduced court commitments to juvenile prisons by over 60% from a high of nearly 2300 in 1998 to 851 in 2013. National trends echo the Illinois experience, as the U.S. decreased the number of children in corrections by 48% between 1997 and 2013.

But more remains to be done - especially given the conditions in our juvenile prisons. On pages 4-5 you will find links to expert reports Siled this fall that document serious concerns over inadequate education, mental health, and discipline in IDJJ facilities. This is a challenging time in our state with community alternatives dwindling, but these reports clarify that commitment to juvenile prison is not the answer. Research documents much harm results from commitment to prisons, especially to facilities with too few teachers to provide a full day education, let alone mental health treatment or other programming.

Our advocacy continues with recommendations for alternatives including Redeploy Illinois, sentencing reforms (including recommendations on children tried in adult court, and Young Adults) to the Governor’s Commission, a summit on international approaches to restorative justice, and a letter to the Governor urging the closure of IYC Kewanee.

Finally, the U.N. celebrated International Children’s Day on Nov. 20—with an announcement of a global study of children deprived of their liberty. See details on the global study on page: 12. We look forward to being a partner in this critical study.

Elizabeth Clarke, President

<table>
<thead>
<tr>
<th>Legislative Update</th>
<th>IDJJ Conditions</th>
<th>Restorative Justice</th>
<th>JJI Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pages 2</td>
<td>Page 4-5</td>
<td>Page 8-9</td>
<td>Page 11</td>
</tr>
<tr>
<td>Juvenile Prison Decline</td>
<td>Young Adults</td>
<td>JJI September Event</td>
<td>Global Study</td>
</tr>
<tr>
<td>Page 3</td>
<td>Page 6-7</td>
<td>Page 10</td>
<td>Page 12</td>
</tr>
</tbody>
</table>
Public Act 99-0268 (HB3718) Automatic Transfer Reform

Public Act 99-0254 (HB2567) Detention Reform
Amends the Juvenile Court Act of 1987. Children ages 10-12 cannot be placed in detention unless there is a determination that no placement is available with a community-based youth service provider. Adds one step to already existing detention screening process - making a phone call to see if an alternative placement can be found. Effective Jan. 1, 2016. View: http://goo.gl/00yw8U

Public Act 99-0352 (SB1304) Police Reform

Public Act 99-0268 (SB1560) “Right-sizing” Department of Juvenile Justice
Amends the Juvenile Court Act of 1987. Eliminates committing children to Department of Juvenile Justice (DJJ) for misdemeanors, makes aftercare (juvenile parole) term same as parole term for adults for same offense, and has other provisions that will help "right-size" the DJJ population. Effective Jan. 1, 2016. View: http://goo.gl/ttQeJL

Public Act 99-0456 (SB100) School Discipline Reform

MANY THANKS TO OUR LEGISLATIVE CHAMPIONS!


And special thanks to Champion Toni Preckwinkle!


Thank you for championing justice for all our children!
A GROWING DISENCHANTMENT WITH JUVENILE PRISONS

Nationally, 54,148 juvenile offenders were held in residential placement facilities on October 23, 2013. This represents a 48% drop from 1997.

New data from the federal Office of Juvenile Justice and Delinquency Prevention documents a dramatic drop in juveniles in out of home placements in the U.S.

**Redeploy Illinois reduces IL Prison population:**
Data from Illinois reveals a similar downward trend - our state’s investment in fiscal incentives through Redeploy Illinois has successfully shifted more than half our annual number of court admissions to juvenile prisons in the Dept. of Juvenile Justice. Our state’s juvenile prison population has gone from over 1200 when Redeploy Illinois began, to today’s population in the low 600’s.

New data from the federal Office of Juvenile Justice and Delinquency Prevention documents a dramatic drop in juveniles in out of home placements in the U.S.

**Research consistently documents poor outcomes from incarceration.**
Studies document that children who receive treatment have better outcomes (including lower rates of rearrest) than children placed out of home - and this holds true across all committing offenses, including violent offenses. OJJDP, citing Pathways to Desistance study, recommends reducing the placement of serious adolescent offenders in institutions as well as the duration and shifting resources to community-based services.

**ILLINOIS:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Court Admissions</th>
<th>Technical Parole Violator</th>
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<tbody>
<tr>
<td>1993</td>
<td>3000</td>
<td>0</td>
</tr>
<tr>
<td>1997</td>
<td>2250</td>
<td>750</td>
</tr>
<tr>
<td>2013</td>
<td>1500</td>
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**Annie E. Casey President**
Calls for U.S. to Close all Juvenile Prisons.
“**I believe it’s long past time to close these inhumane, ineffective, wasteful factories of failure once and for all. Every one of them.**”
Patrick McCarthy, CEO, AEC Foundation.
Today: Inadequate Prisons in Illinois

The Numbers:
Six Facilities – less than 700 youth.
$130 million Budget – money has not been able to fix the deficiencies in programming and safety in our juvenile prisons.
FY 13 Actual = $129,390,100
FY 14 Enacted = $129,888,100
FY15 Governor’s recommendation: $135,888,100

Inadequate Conditions:
*R.J. vs Jones* is a class action lawsuit filed in 2012 that resulted in a consent decree with a remedial plan to address inadequate education services, inadequate mental health services, and excessive use of solitary confinement. The court-appointed experts filed reports on the status of the remedial plan:

Education Inadequate:
Expert report filed Nov., 2015 reports that only 2 of 6 facilities have full complement of teachers. At IYC St Charles and IYC Kewanee, students received less than half the instructional time to which entitled.

Mental Health Services still Lacking:
Expert report filed Nov., 2015 finds the “significant staffing concerns at IYC Kewanee makes the program somewhat dysfunctional and potentially dangerous”. He adds that there are also “significant staffing concerns at IYC St. Charles, which has also made the mental health programming somewhat dysfunctional, and essentially means keeping many of the youth in confinement”.

Conclusion: The reports document that conditions in the juvenile prisons are deeply problematic. Despite strong and committed leadership, the culture remains correctional rather than therapeutic in most of the facilities. The good news is that the population continues to go down. The more our juvenile court stakeholders learn of the continuing challenges within the facilities, the more reluctant they are to commit children to DJJ - and we have all learned over this past decade that investments in community alternatives through programs like Redeploy IL yield far better results than commitment to juvenile prisons.

We need to "right-size" our institutions and shift resources to community alternatives.
JJI urges Governor to close Kewanee IYC:

“Treatment at IYC Kewanee continues to be a significant concern. I am unclear why a facility that is most lacking in licensed mental health professionals and security would be the facility where we send our most significant mentally ill youth.”

*Report by Dr. Louis Kraus, filed 11/4/15*

*IYC-Kewanee, pictured above, is a level two Medium facility for boys located about two and a half hours west of Chicago. It was originally designed as an adult facility but opened in 2001 as a faculty focusing on mental health treatment in the juvenile division.*

**John Howard Association’s recent findings:**

Key observations from the John Howard Association’s most recent report on Kewanee all of which are reasons to close Kewanee:

- Kewanee remains a problematic facility, largely due to understaffing, for high-risk, high-need youth who most need treatment and programming.
  
  - The facility has longstanding difficulty attracting and retaining the staff needed to maintain safety and ensure appropriate care.

- Understaffing is particularly unwise and harmful for youth with acute mental health needs, who need individualized mental health treatment plans and treatment.
  
  - Location remains a frequent barrier to contacts with families and counsel.

- Kewanee requires costly physical plant improvements.

  - JHA continues to have serious concerns about safety at this facility.

  www.jha.org
YOUNG ADULTS & JUSTICE SYSTEM
Recommendations to address Young Adults in Conflict with the Law

The Illinois Juvenile Justice system now covers young people up to the age of eighteen. Yet, brain research shows the adolescent brain does not fully develop until age 25. Trends across the country and around the world recognize the critical need to find alternatives to incarceration for this population so they can effectively transition to adulthood. These years should be spent pursuing education, job training or employment. An interruption of these years with incarceration, and/or a criminal record, can significantly derail a person’s ability to get back on track with their life. Criminalizing this age group is particularly counter-productive since research shows that criminal activity tapers off with age, typically in the early 20’s.

On March 9, 2015, the Juvenile Justice Initiative (JJI) issued a report examining young adults (age 18-21) in the Cook County Jail in 2013. JJI found that a third of the young adult admissions to the jail in 2013 were for misdemeanor offenses – that’s a total of 4,011 admissions in 2013 to the Cook County jail of young adults for misdemeanor offenses. There were nearly 12,000 admissions of young adults to the jail in 2013, but most were for non-person offenses with half of the admissions for drug/property offenses. Our research found half of the young adults spent twelve nights or less, with a quarter being released within a day.

The fact that the young adults do not stay long in jail, and the fact that research demonstrates people age out of criminal behavior in their early twenties, indicates diversion and sentencing reforms could be particularly effective with this Young Adult population.

Last September, the Office of Justice Programs held a panel discussion on “Justice-Involved Young Adults” in Washington, D.C. Attorney General Loretta E. Lynch stated:

“Research indicates that as young adults age through their late teens and early 20s, they experience a period of rapid and profound brain development. In addition to providing insight into why young adults act the way they do, brain science also indicates that we may have a significant opportunity, even after the teenage years, to exert a positive influence and reduce future criminality through appropriate interventions. It raises the possibility that considering these unique stages of development within the criminal justice setting, we could reduce the likelihood of recidivism and create important benefits for public safety. And it offers a chance to consider new and innovative ways to augment our criminal justice approach.

Read her full comments here http://goo.gl/z0Gq9x”

At the panel discussion, the Executive Session on Community Corrections released the inaugural paper from the new series, New Thinking in Community Corrections, entitled Community-Based Responses to Justice Involved Young Adults:

“This paper raises important questions about the criminal justice system’s response to young adults. Recent advances in behavior and neuroscience research confirm that brain development continues well into a person’s 20s, meaning that young adults have more psychosocial similarities to children than to older adults. This developmental distinction should help inform the justice system’s response to criminal behavior among this age group.” -Karol V. Mason, Assistant Attorney General, Office of Justice Programs at the U.S. Department of Justice
We urge that Illinois follow current scientific evidence on adolescent development by implementing these policy recommendations:

1. Replicating juvenile diversion and sentencing options for young adults, and/or

2. Raising the age of juvenile court to 21.
Sharing the Northern Ireland Restorative Justice experience

JJI hosts a Restorative Justice Summit with experts from Northern Ireland and Europe.

Dissatisfaction with traditional systems of justice that rely heavily on pleas and incarceration, has led many developed nations to explore more effective models of conflict resolution, including restorative justice.

Restorative justice is a philosophy, set of practices and mindset that addresses injustice by thinking about the harms, needs and obligations of all involved.

With the theft of a cell phone under our traditional punitive model of justice, the person accused of the theft will be arrested, charged, and will often plead to a lesser offense. With a criminal record, the youth will have a permanent barrier to employment and further education. Under a restorative justice system of diversion, a restorative process (circle, conference or mediation) could be used as an alternative to an arrest and formal charge, resulting in an individualized agreement between the parties to address the harm and restore the community. The difference is between treating each incident as isolated and punishing the “offender”, or treating a harm within the community and developing consensus on how to repair the harm and restore the peace.

Northern Ireland instituted restorative justice in its juvenile system in the early 200’s as a result of the peace agreement following the “troubles”. Restorative justice is used both as diversion from court, and as a process prior to sentencing. Youth who are found guilty of an offense must be referred for Youth Conferencing. The recommendation out of the conference is presented to the sentencing judge, who then (generally) uses the recommendation as the sentence. Interestingly, when “victims” and “offenders” meet face to face and talk about the incident, they reach an understanding of each other’s circumstances – as a result, incarceration is almost never the recommended sentence. Instead, individualized options are developed.

JJI hosted two experts from Northern Ireland to present their experiences with restorative justice in their juvenile court. Paula Jack, a prosecutor from the U.K., and community worker Yvonne Adair both agreed that restorative justice has resulted in better outcomes for their juvenile court.
In just three years, the Department of Justice’s Civil Rights Division has undertaken significant efforts to address disparities and over reliance on juvenile justice and incarceration in America by focusing more intensively on the pathways into and early interactions with the criminal justice system; examining fairness and equity in juvenile arrests, court processes and probation; and working to eliminate the detention practices that are most harmful to youth. This work is grounded in the Attorney General’s authority to bring lawsuits to remedy a pattern or practice of constitutional or federal law violations by any official or employee of a government agency responsible for the administration of juvenile justice.

The department has opened or released findings in four juvenile justice administration cases. The department has also articulated the standards for constitutionally adequate juvenile indigent defense, amplifying principles set out nearly 50 years ago by the U.S. Supreme Court.

See overview of reforms: [http://goo.gl/MuEHZv](http://goo.gl/MuEHZv)

“All our Nation’s children deserve the chance to fulfill their greatest potential, and nothing should limit the scope of their futures. But all too often, our juvenile and criminal justice systems weigh our young people down so heavily that they cannot reach their piece of the American dream. When that happens, America is deprived of immeasurable possibility. This month, we rededicate ourselves to preventing youth from entering the juvenile and criminal justice systems and recommit to building a country where all our daughters and sons can grow, flourish, and take our Nation to new and greater heights.”

President Obama Proclamation -- Oct., 2015
Juvenile Justice Initiative- 15 years

We are grateful to the many supporters who joined us for our 15 year anniversary celebration!
Support JJI’s Juvenile Justice Reform Efforts

The Juvenile Justice Initiative is an independent, non-governmental advocacy entity that exists on contributions from foundations and individuals. Through the printing of research reports, newsletters, and a website, as well as the provision of workshops and conferences, we have been able to share current research and legislative information. Please consider a donation to JJI so we can keep providing you with timely information on juvenile justice issues. In an effort to update our database, please fill out the form below and return it with your donation. Please call us if you have any questions at: (847) 864-1567.

Juvenile Justice Initiative Donation Form

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Juvenile Justice Initiative
518 Davis Street, Suite 211
Evanston, IL 60201
Global Study of Children Deprived of Liberty

Countless children are deprived of liberty across the globe. Held in closed institutions, psychiatric centers or adult prisons, awaiting trial for long periods of time, these children often lack basic services as well as opportunities for education and vocational training. Responding to these concerns, the U.N. General Assembly adopted a resolution commissioning an in-depth global study on children deprived of liberty, to identify best practices and to make recommendations for action. The Global Study will help nations understand the issue and safeguard the rights of children concerned. There is wide recognition of the importance and urgency of the Global Study on children deprived of liberty to capture the magnitude of the problem and safeguard the rights of children concerned.

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