A new national report outlines principles and recommendations to ensure effective youth reentry from incarceration back to community. *Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community,* prepared by the Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition, was released last month.

The report has particular importance to Illinois where over 40% of the youth currently incarcerated in facilities in the Department of Juvenile Justice (DJJ) are technical parole violators returning to confinement. With nearly half of the youth confined in DJJ returning as parole violators, it is clear that the State can do more to prepare youth for successful reentry back into their home and community.

The report defines reentry as the process and experience of reentering society after a term of incarceration. Reviewing the history of reentry models, it notes that early approaches that included a heavy concentration on surveillance (probation contacts, electronic monitoring, urine testing) were not successful. Research now demonstrates that an individualized services model garners greater success through programming aimed at improving thinking and behavior (educational tutoring, job skills training, cognitive-behavioral therapy, family and individual counseling). Essential components include:

- **Timely and individualized pre-release planning** tailored to the needs of the individual upon release, including living arrangements, return to school, medical and behavioral healthcare, vocational, life skills, public assistance and legal services.
- **Delivery of reentry services in the communities** where returning youth live. Nonprofit organizations and faith-based organizations are strong providers of youth reentry services, possibly because of their important place in individual communities.
- **Reentry services that proactively address developmental deficits** in housing/independent living, employment, links to pro-social peers and communities, etc.
- **Focus on permanency and housing.** One successful example in the report is the use of family-group conferencing to guide permanency for youth in both child welfare and juvenile justice systems.
- **Access to mental health and substance abuse treatment.** Research, including Illinois’ success with the Mental Health Juvenile Justice Initiative, points to the positive impact individualized community-based mental health services have on behavior and reductions in repeat offending. In order to support seamless eligibility for Medicaid services (for mental health services, substance abuse treatment and medication), the report cites to new legislation in New York and California that allows for the suspension but not termination of Medicaid enrollment during a period of incarceration.
- **Recognition of diverse needs of returning youth.**
- **Structured school attendance, workforce preparation and employment.**

Better use of leisure time.

The report urges states and the federal government to follow these principles for in the development of policies supporting successful reentry systems for juveniles released from confinement.

Legislative Updates

New Juvenile Changes Take Effect January 1, 2010

Three new laws that impact juvenile justice take effect on January 1, 2010: increasing the juvenile court age for misdemeanors, expansion of Redeploy Illinois to smaller counties, and procedural changes for juvenile expungements.

Beginning on January 1, 2010, youth 17 years old charged with a misdemeanor will be under the jurisdiction of the Juvenile Court Act instead of the adult court. Those 17 years old charged with a felony will still be under the adult court. Public Act 95-1031 was passed in 2008 and signed into law on February 10, 2009.

Public Act 95-1050 makes changes to the Redeploy Illinois program by authorizing the state to offer the incentives of the program to counties with low numbers of delinquent youth committed to the Department of Juvenile Justice. Through the creation of a pool of money, smaller counties will be eligible to apply for services that will keep delinquent youth in their own community instead of committing them to the state youth prison system.

Public Act 96-0707 improves the process for juvenile with arrests for misdemeanor offenses to clear their records. Beginning on January 1, 2010, hearings will be held when a juvenile with a first offense misdemeanor turns 18 or upon completion of their sentence, whichever comes later. If local prosecutors do not file limited objections as outlined in the law, expungement of the record will be automatic. Beginning on January 1st, the Act also prohibits the transfer of confidential juvenile arrest records from the Department of State Police to the Federal Bureau of Investigation to further prevent the unnecessary release of confidential juvenile date.

The spring session of the General Assembly begins on January 12, 2010 and is expected to conclude by the end of May, 2010.

For more information regarding legislation, please visit: www.ilga.gov.

Successful Re-Entry Focus of New Law

The Illinois General Assembly veto session concluded in October. During the fall session, the legislature approved a change made by the Governor in Senate Bill 1725, delaying one year a report in studying re-entry issues.

The new Public Act directs the Juvenile Justice Commission to study juvenile offenders released from state custody but later returned for parole violations. The new law requires the Commission to make recommendations on steps the state can take to help young offenders successfully complete the terms of their parole. These measures are aimed at reducing recidivism by young offenders and improving the safety of their home communities.

The services provided to a youth upon release from prison are one of the most critical determining factors in his future success or failure in the community.”

Terry Carmichael, Chair, Juvenile Justice Initiative
NEW RESEARCH FINDS PROBATION AS EFFECTIVE AS INCARCERATION IN PREVENTING REPEAT OFFENDING WITH SERIOUS OFFENDERS

Extraordinary new research indicates that incarceration is no more effective than community based treatment, even for youth committing the most serious crimes.

Seven years of research on youth who committed major felony offenses. The research comes out of a network set up by the MacArthur Foundation to develop an empirical basis to inform system reform of juvenile justice policies. The researchers have conducted extensive interviews over a period of seven years with 1,354 juvenile offenders. These youth are the “high risk” end of the juvenile offender population—they have multiple prior court cases, and they were convicted of serious felonies including murder, robbery, aggravated assault, sex offenses and kidnapping. Some (nearly 1/5) were tried as adults.

Most youth who commit serious felony offenses will stop offending. The study concludes that most youth who commit serious offenses as a juvenile will stop offending: the vast majority of adolescents in the study reported very limited involvement in illegal activity in the three years following their court involvement.

Most youth will stop offending whether they are incarcerated or treated in community. This dramatic finding—that there is no difference in repeat offending whether youth are incarcerated or treated in the community—highlights the need to reconsider heavy reliance on expensive incarceration for even the most serious juvenile offenders, since less expensive community-based treatment is equally effective at reducing repeat offending.

But low level offenders will be more likely to repeat offend if locked up. “….among those “low level” offenders, institutional placement raised the level of offending by a small, but statistically significant, amount.”

The saddest finding echoes research findings by Linda Teplin on detained youth in Chicago—a high rate of mortality for the youth involved in the study.

What works?
The study indicates substance abuse treatment could lower reoffending among serious felony offenders. Substance use is strongly related to continued criminal activity in this group, and it makes sense to focus on this behavior for intervention. In fact, the study shows that treatment for substance abuse can reduce offending.

The study also indicates aftercare services do make a difference. These results highlight the importance of investing resources in community-based aftercare programs.

Illinois’ State’s Attorney Recognized for Commitment to Reform

In announcing the winners of the second annual “Champions for Change” award, Robery Gallucci, President of the MacArthur Foundation, stated that those chosen exemplify “our highest expectations of how “reformed” juvenile justice systems should operate.”

One of the four recipients recognized nationally is John B. Roe IV, Ogle County State’s Attorney. John “Ben” Roe is the Chair of the Ogle County Juvenile Justice Council. In the announcement, Ben was noted for his “strong leadership and commitment to the cause of juvenile justice reform.”

Ben has assembled a diverse case processing team to create a better system for evaluating juvenile cases. As a result, a police contact form, a case processing protocol, a memorandum of understanding, and MAYSI mental health testing have all been implemented. He has diverted youth from court through a dramatically expanded Balanced and Restorative Justice. And, he has begun a juvenile expungement program to inform youth of their rights and explain the process.

Through expanded coordination of justice system and community leaders, Ben’s efforts have resulted in fewer youth in court, more services for youth implemented immediately, and improved public safety. For information about the Ogle County Juvenile Justice Council, visit: www.oglejjc.org/.

George Timberlake, Retired Chief Judge, Second Judicial Circuit
On December 1, 2009, the national nonprofit W. Haywood Burns Institute (BI) released a report about systemic problems in juvenile justice systems titled: “The Keeper and the Kept.” The report examines “inequitable and unjust treatment of youth of color and poor youth in trouble with the law” and offers recommendations for “a path to change.”

Burns Institute Executive Director James Bell stated:

“Youth of color and poor youth coming into contact with the law find themselves pulled deep into an ever growing industry of confinement. These juvenile justice systems are upheld by ‘keepers,’ who believe that secure confinement is an appropriate response to nonviolent and first offenses, and to provide youth with services. We promote a shift in thinking – to using secure confinement as the exception, or the rare instance for all youth.”

On any given day, more than 90,000 youth are in custody of the juvenile justice system nationwide. According to the report and to date in Illinois, a majority of these detained children are youth of color who are held for minor and nonviolent offenses.

According to a 2008 review of youth held in the Illinois Department of Juvenile Justice (DJJ), almost 47% of the youth are committed for nonviolent crimes, just over 57% have no prior DJJ commitments, over one-third of the youth in secure custody score “low risk,” and nearly another one third score “moderate risk.”

According to the Burns Institute report, nationwide “states spend about $5.7 billion each year imprisoning youth, even though the majority are held for nonviolent offenses.”

According to the Burns Institute report, nationwide “70 percent of youth confined are youth of color, however, youth of color comprise only 38 percent of the total U.S. youth population. In Illinois, commitments of black youth ages 13 to 16 to corrections were more than five times higher than commitments of white youth according to the Illinois Criminal Justice Information Authority Fiscal Year 2006 data.

The Burns report notes that most youth could be supervised safely with alternatives in their communities, costing substantially less and causing lower return rates than secure confinement, particularly for youth of color.

According to the report, “secure confinement should be utilized only when a youth presents a safety threat to the community, and—in the case of pre-adjudication detention—is a flight risk, and no less restrictive alternatives are available. Our belief is based upon a substantial body of research indicating that secure confinement is, on the whole, harmful to youth.”

A full copy of the report can be found at: www.burnsinstitute.org/
The federal Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment is accepting applications for fiscal year 2010 grants for the Offender Reentry Program (ORP). The purpose of the program is to expand and/or enhance substance abuse treatment and related recovery and reentry services to sentenced juvenile and adult offenders returning to the community from incarceration for criminal/juvenile offenses. A total of $13 million is available.

According to the grant announcement, applicants are expected to form stakeholder partnerships that will plan, develop and provide a transition from incarceration to community-based services for the populations of focus. Applications must address one specific offender population of focus (i.e., juveniles or adults), and those offenders must be within four months of scheduled release to the community.

Eligible applicants are domestic public and private nonprofit entities. For example, State and local governments, federally recognized American Indian/Alaska Native Tribes and tribal organizations, urban Indian organizations, public or private universities and colleges; and community- and faith-based organizations may apply.

Because reentry transition must begin in the correctional or juvenile facility before release, limited funding may be used for certain activities in institutional correctional settings in addition to the expected community-based services.

SAMHSA and the U.S. Department of Justice Bureau of Justice Assistance (BJA) share a mutual interest in supporting and shaping offender reentry services, as both agencies fund "offender reentry" programs. SAMHSA and BJA have developed formal agreements to further encourage and engage in mutual interests and activities related to criminal justice-treatment issues. SAMHSA and BJA are currently working on a formal collaboration to coordinate the SAMHSA ORP grant-related activities and BJA’s Second Chance Act grant-related activities in FY 2010.

SAMHSA’s ORP grantees will be expected to seek out and coordinate with any local federally-funded offender reentry initiatives including "Second Chance Act" offender reentry programs, as appropriate.

ORP is one of SAMHSA’s services grant programs. SAMHSA’s services grants are designed to address gaps in substance abuse treatment services and/or to increase the ability of States, units of local government, American Indian/Alaska Native Tribes and tribal organizations, and community- and faith-based organizations to help specific populations or geographic areas with serious, emerging substance abuse problems.

SAMHSA intends that its services grants result in the delivery of services as soon as possible after the award is provided.

Applications deadlines have been extended to February 2, 2010. Proposed budgets cannot exceed $400,000 in total costs in any year of the project. Projects may extend to 3 years and continuation awards will be provided based upon the availability of funds and grantees meeting project goals.

International Juvenile Justice Observatory Launches New Campaign

From the web site of the International Juvenile Justice Observatory, www.ijjo.org:

“Two decades of Juvenile Justice. Improvements since the adoption of the Convention on the Rights of the Child” is the name of the new campaign launched by the International Juvenile Justice Observatory (IJJO) within the framework of the twentieth anniversary of the Convention on the Rights of the Child.

Thanks to a retrospective of the last twenty years, the IJJO Campaign 2009 analyses the impact of the Convention on the improvement of the situation regarding the rights of the child all over the world and especially of children and adolescents in contact with the juvenile justice system. This evaluation was done over the last years thanks to the work done by the UN Committee on the Rights of the Child, a body of independent experts that monitors the implementation of the Convention on the Rights of the Child (CRC).

By means of this campaign, the IJJO provides a global retrospective vision of the evolution of the juvenile justice systems since the adoption of the 1989 Convention on the Rights of the Child. The campaign includes contributions of important figures in the field of children’s rights promotion, providing their perspectives, expectations and an analysis of the current state of the protection of the rights of minors in situation of exclusion and seclusion.

JJI will continue updates on this important campaign on the status of the human rights of children in conflict with the law.

Help JJI Continue Juvenile Justice Reform

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: 217-522-7970.

Juvenile Justice Initiative Donation Form

Name: ______________________________  Organization: ________________________________________

Address: _________________________________________________________________________________

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Email address for online notification of news & events: _______________________________________

Donation to Support mailings of JJI Newsletters: $35
Juvenile Justice Initiative Friend: $50
Juvenile Justice Initiative Supporter: $100
Juvenile Justice Initiative Patron: $500

Please mail this form and cash, check or money order payable to:
Juvenile Justice Initiative
413 West Monroe
Springfield, Illinois 62704
**Community-Based Options Needed to Improve Success Rate at DJJ**

The “Comprehensive Master Plan: Vision for the Future” was released at the November 17, 2009 meeting of the Juvenile Justice Advisory Board to the Department of Juvenile Justice. The report was prepared to assist the Department of Juvenile Justice (DJJ) implement its new mission.

According to the report, “while most master plans focus on what the facility needs are, this Comprehensive Master Plan focuses on reducing the number of secure beds needed by providing evidence-based alternatives that are proven to provide positive results in treating youthful offenders.”

The report advocates real-locating non-violent youth to community-based options which will reduce the need for secure beds. It also recommends reducing the number of youth held in confinement through a continuum of step-down mechanisms where youth are released to the community.

Data included in the plan from 2007 shows the following:
- Almost 47 percent of the youth are committed to DJJ for non-violent crimes.
- Just over 57 percent have no prior DJJ commitments.
- Nearly one third of the youth in secure custody score “low-risk” and another one-third score “moderate-risk” suggesting that these youth could be possible candidates for community-based programming.

A copy of the plan can be found at:

**SORNA Update**

In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 which includes as title I the Sex Offender Registration and Notification Act (SORNA). On July 1, 2008, final guidelines for SORNA were issued. The U.S. Attorney General extended the deadline for states to implement the SORNA to July 27, 2010. The Attorney General is authorized to provide another one-year extension. Failure by states to comply within the time frame may result in a 10 percent reduction of federal just assistance funding under the Byrne Justice Assistance Grant.

To date, only Ohio has been found in “substantial compliance” with the SORNA requirements. Since the passage of legislation in Ohio, there has been substantial litigation challenging the law. Over 7,000 challenge petitions were filed in county courts in Ohio. The Ohio Attorney General sent out 35,000 reclassification letters to ex-offenders at a cost estimated to be more than the amount Ohio would have lost if they had not complied.

In U.S. v. Juvenile Male, No. 07-30290 (9th Circuit September 10, 2009), the court declared the juvenile portions of SORNA to be unconstitutional. In September, 2009, the U.S. Supreme Court agreed to review the retroactivity provisions under SORNA (Carr v. United States, No. 08-1301). The Illinois Attorney General held meetings this fall to discuss provisions of SORNA. Discussions continue to determine if Illinois will consider attempts to become compliant in some or all areas of the federal law.

Discussions continue in Congress to consider possible changes to the Adam Walsh Act. The U.S. House has been reviewing the new Illinois law (Public Act 95-0658) which allows juveniles under certain conditions to petition to be removed from registration after a specified period, and is considering it as a possible national model. States across the nation are analyzing the costs of implementation versus the possible 10 percent loss of Byrne funding.
JJI will continue to provide monthly hour-long teleconferences with updates in juvenile caselaw, legislation, and research on juvenile justice practice in Illinois. Experts will provide background on current issues and answer questions.

Teleconference sessions will be provided monthly from 2 p.m. — 3 p.m. on the third Thursday of the month in 2010. Sessions will be held on the following dates:

- January 21st  2p.m.—3p.m.
- February 18th  2p.m.—3p.m.
- March 18th    2p.m.—3p.m.
- April 15th    2p.m.—3p.m.
- May 20th     2p.m.—3p.m.
- June 17th    2p.m.—3p.m.
- September 16th  2p.m.—3p.m.
- October 21st  2p.m.—3p.m.
- November 18th  2p.m.—3p.m.
- December 16th  2p.m.—3p.m.

**FEE:** $35 per session includes program and course materials.

**CLE Credit:** Approximately 1 CLE hour of credit for each session.

**JJI Financial Aid Policy:** Partial scholarships are available to attorneys in public interest law upon the submission of a written request.

Send registration and check to:
Juvenile Justice Initiative
413 West Monroe
Springfield, IL 62704

To register by email: JJICLE@yahoo.com
To register by fax: 217-522-7980
For questions, please call JJI at: 217-522-7970.