



Illinois Juvenile Justice Commission

1112 South Wabash, 3rd Floor • Chicago, Illinois 60605

Telephone: 312-793-4605

Facsimile: 312-814-3073

Chairperson

C. Gary Leofanti
Olympia Fields

Vice Chair

Wayne M. Straza
Countryside

Commissioners

Rodney Ahitow
Cuba

Rev. Charles Collins
Freeport

Patricia Connell
Evanston

Ann Dralle
Lemont

Kurt Friedenauer
Springfield

Eugene Griffin
Chicago

George H. Hill
Decatur

Hon. Janet Holmgren
Rockford

Andrew Jones
Chicago

Darrell L. McGibany
Edwardsville

Samantha Person
Chicago

Seth Ragland
Chatham

Pamela F. Rodriguez
Chicago

February 10, 2009

To the Governor and Members of the General Assembly:

On behalf of the Illinois Juvenile Justice Commission, I am pleased to present the *Annual Report to the Governor and General Assembly for Calendar Years 2007 and 2008*. This report is intended to inform and guide those individuals and organizations with an investment in the juvenile justice system in Illinois on behalf of its youth. The report is also presented to judges, law enforcement officials, juvenile justice practitioners, policymakers, youth services providers and other interested parties across the state who are part of the juvenile justice system, to assist them in their work with youth.

The Illinois Juvenile Justice Commission is a twenty-five (25) member board that serves as the mandated State Advisory Group appointed by the Governor pursuant to Illinois statute. It is the Commission's statutory responsibility to submit an annual report to the Governor and General Assembly that highlights the State's accomplishments, its most urgent challenges relative to juvenile justice in Illinois, and its recommendations for addressing those issues. The Commission administers, through the Illinois Department of Human Services, the federal funds allocated to Illinois through the Juvenile Justice and Delinquency Prevention Act. The Commission works to ensure accountability to the federal Office of Juvenile Justice and Delinquency Prevention while focusing on the needs of Illinois' juvenile youth.

This report is intended to bring to light current trends and issues concerning the Illinois juvenile justice system. This report documents Illinois' status of compliance with the federal Juvenile Justice and Delinquency Prevention Act as well as recent accomplishments and recommendations for improving the juvenile justice system in Illinois. System reform efforts will be successful in Illinois with the collective resolve of the executive branch, lawmakers, and public and private entities with a vested interest in ensuring public safety while providing Illinois youth every opportunity to succeed.

Sincerely,

A handwritten signature in cursive script that reads "C. Gary Leofanti".

C. Gary Leofanti, Chair
Illinois Juvenile Justice Commission

Illinois Juvenile Justice Commission

**ANNUAL REPORT
TO THE
GOVERNOR AND GENERAL ASSEMBLY**

for Calendar Years 2007 and 2008

February 10, 2009

ILLINOIS JUVENILE JUSTICE COMMISSION

ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY 2007 - 2008

INTRODUCTION

The Illinois Juvenile Justice Commission (the Commission) serves as the federally mandated State Advisory Group to the Governor, General Assembly and the Illinois Department of Human Services (IDHS) in developing, reviewing and approving the State's juvenile justice plan for the expenditure of funds granted to Illinois by the United States Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Commission also is responsible for submitting an annual report to the Governor and General Assembly with recommendations regarding the State's compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) and its provision of juvenile justice and delinquency prevention programs and services.

The authority of the Illinois Juvenile Justice Commission is specified in Illinois Statute as cited below.

"There is hereby created the Illinois Juvenile Justice Commission which shall consist of 25 persons appointed by the Governor. ...The Commission shall have the following powers and duties:

- 1) *Development, review and final approval of the State's juvenile justice plan for funds under the Federal Juvenile Justice and Delinquency Prevention Act of 1974;*
- 2) *Review and approve or disapprove juvenile justice and delinquency prevention grant applications to the Department for federal funds under that Act;*
- 3) *Annual submission of recommendations to the Governor and the General Assembly concerning matters relative to its function;*
- 4) *Responsibility for the review of funds allocated to Illinois under the Juvenile Justice and Delinquency Prevention Act of 1974 to ensure compliance with all relevant federal laws and regulations; and*
- 5) *Function as the advisory committee for the State Youth and Community Services Program as authorized under section 17 of this Act, and in that capacity be authorized and empowered to assist and advise the Secretary of Human Services on matters related to juvenile justice and delinquency prevention programs and services."*

(20 ILCS 505/17a-9)

In administering the federal JJDP Act funds, the Commission works to ensure Illinois' compliance with the core requirements of the act. Additionally, it works to instill the principles of Balanced and Restorative Justice (BARJ) within Illinois' juvenile justice system. The Commission must also ensure that programs and policies are responsive to the developmental stages and needs of children and youth.

In its effort to monitor trends, formulate policy and direct funding, the Commission annually funds the Illinois Criminal Justice Information Authority (ICJIA) to research, compile and present annual data on Illinois' risk factors and the juvenile justice system. The most recent report is *Juvenile Justice System and Risk Factor Data: 2005 Annual Report*¹. It presents a broad range of relevant data to juvenile justice professionals and an explanation of risk factors and their importance to the juvenile justice system.

The federal Juvenile Justice and Delinquency Prevention Act comprises several titles, two of which are relevant to the Commission. Title II supports a broad range of juvenile justice activities at the state and local level. Title V supports prevention efforts conducted by units of local government. Funding for these two broad activities has decreased significantly in Illinois since FFY2005. In that year, Title II received \$2.7 million and Title V, approximately, \$600,000. By FFY2008, funding for Title II had decreased to \$2.3 million (15% decrease) and for Title V, \$48,000 (91% decrease). The decrease is due to federal funding priorities rather than compliance penalties.

The purpose of the annual report, first and foremost, is to review the Commission's progress toward and recommendations for compliance with the requirements of the Juvenile Justice and Delinquency Prevention Act. These requirements include Disproportionate Minority Contact, Separation of Adult and Juvenile Offenders, Deinstitutionalization of Status Offenders, Jail Removal. In addition, the report presents activities of the Commission to foster critical components of the juvenile justice system within Illinois: juvenile justice data collection, access to counsel, detention alternatives, mental health, and the Illinois Department of Juvenile Justice. The report covers fiscal years 2007 and 2008.

Disproportionate Minority Contact (DMC)

Pursuant to section 223(a)(22) of the JJDP Act, states must initiate delinquency prevention and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of minority juveniles who come into contact with the juvenile justice system. Disproportionate minority contact exists if the rate of contact with the juvenile justice system of a specific minority group is significantly different than the rate of contact for non-Hispanic whites or for other minority groups.

The purpose of this requirement is to ensure equal and fair treatment for every youth involved in the juvenile justice system. A state achieves compliance when it addresses DMC on an ongoing basis through identification of the extent to which DMC exists; assessment of the factors that contribute to DMC, if it exists; development and implementation of strategies to address such contributing factors; evaluation of the efficacy of such intervention strategies; and monitoring DMC trends over time.

States are required to submit DMC Identification Spreadsheets (race/ethnicity data for each of nine decision points in the juvenile justice system) as part of the DMC Compliance Plan in their 3-year application/plan.

¹ ICJIA, 2008

Status of Compliance

In calendar years 2006 and 2007, Illinois was in compliance with the DMC core requirement.

In calendar year 2005, African-American youth between the ages of 10 and 16 in Illinois were arrested at a level that was more than 300 percent of their representation in the general youth population, while the rate for Caucasian youth was a mere 51 percent of their representation in the general population. This means that an African-American youth in Illinois was six times more likely to be arrested than a Caucasian youth. (Similar comparisons by ethnicity are not available in large part because the Illinois State Police's form used to report arrests do not contain an ethnicity identifier. Further, the State Police only require that police departments report felony arrests and therefore many misdemeanor arrests go unreported giving an incomplete picture of the true number of juvenile arrests.)

African-American youth were admitted to detention three times their representation in the general population; Hispanics at 61 percent; and Caucasians at about 33 percent. Further, an African-American youth was eight times more likely to be committed to an Illinois Youth Center than a youth who was Caucasian; a Hispanic youth also was more likely than a Caucasian youth to be committed. And although the average length of stay (ALOS) for all youth in detention has decreased over the past years, the relative length of stay for youth of color remains consistently higher than that for Caucasian youth.

The issue of disproportionate minority contact with the juvenile justice system is persistent and extraordinarily complex. There are numerous factors that lead to over-representation of minority youth in the juvenile justice system, i.e. unsafe and impoverished school and home environments, lack of parental support, unfair practices by police departments, and unemployment.

The Commission's primary approach to reducing DMC is the W. Haywood Burns Institute (BI) model. The BI is a national organization working to reduce the over-representation of minority youth in the juvenile justice system. The BI model requires the active commitment and participation of key traditional and non-traditional stakeholders in the juvenile justice system. The Institute leads stakeholders through a data-driven, consensus-based process that focuses on changing policies, procedures and practices to reduce racial disparities in the system. Illinois' project began in four pilot locations: Peoria; South Suburban Cook County; the Lawndale Community Area of Chicago; and St. Clair County and has now expanded to Macon County, the Englewood community area of Chicago, and Sauk Village.

IJJC Action and Recommendations

Action

- ❑ In 2007 and 2008, DMC continued to be a priority; the Commission allocated \$340,000 in SFY2007 and \$698,000 in SFY2008.
- ❑ The Commission continues to fund a statewide DMC Coordinator position.
- ❑ The Commission has partnered with the Annie E. Casey Foundation to address the issue of DMC through Detention Alternatives.

- ❑ Following site readiness assessments, funding for the four DMC pilot sites, Lawndale, South Suburbs (SSDMC), Peoria and East St. Louis, was expanded to include three new sites: Macon County, the Englewood community area of Chicago, and Sauk Village. Each site has a local coordinator.
- ❑ Ongoing technical assistance was provided through the BI for the statewide Coordinator and each pilot site. Data were compiled at each site to document DMC in detail.
- ❑ The Commission continued to partner with Chapin Hall at the University of Chicago to design and conduct a survey assessment of DMC practices across the state, bringing together vested stakeholders from the juvenile justice system to ascertain their perceptions, attitudes and beliefs concerning reducing racial disparities in the system and what practices they currently utilize to do so. The survey will be administered in selected Illinois communities in 2009 and results available late 2009.
- ❑ The Commission worked with others such as the Models for Change initiative to explore strategies to improve the collection of race and ethnicity data at the various decision points in the system. As a first step, this partnership developed a booklet that provides instruction and guidance to juvenile justice practitioners on accurate racial coding of juveniles.
- ❑ The DMC and detention alternatives efforts supported by the IJJC have succeeded in effecting a positive change in detention admission and average length of stay. The development or redesign of detention screening instruments allowed detention centers to decline admissions that were not appropriate, the majority of which were often minority youth.
- ❑ On October 31st through November 2nd 2007, the IJJC sponsored, along with others, Illinois's first annual collaborative juvenile justice conference entitled "Connecting the Pathways." This conference was designed to disseminate knowledge and promote collaboration between juvenile justice and youth development workers from across the state. The conference was spawned from the realization that while the state's juvenile justice reform initiatives are focused on similar outcomes they do not necessarily work in conjunction with one another towards the achievement of common goals. The conference served as collaboration among five programs: the Illinois Balanced and Restorative Justice Initiative, Juvenile Detention Alternatives Initiative, Redeploy Illinois, MacArthur's Models for Change, and Disproportionate Minority Contact. All DMC coordinators participated in the conference with some hosting informational sessions. Sixth District Court Judge and SSDMC advisory board member Michael Stuttely was a keynote speaker and spoke about the judicial response to DMC. In addition, the IJJC sponsored a DMC Legislative Reception at the conference. The reception was attended by approximately 250 conference participants, as well as members of the General Assembly and representatives of the Governor's Office.

- ❑ The Models for Change initiative, is another effort in Illinois created to replicate successful DMC models of juvenile justice reform through targeted investments, and funded by the Chicago-based John D. and Catherine T. MacArthur Foundation. With long-term funding and support, the Illinois initiative of Models for Change has collaborated with the IJJC to disseminate educational materials, including the DMC booklet, “*Illinois: Reducing DMC, Promoting Accountability and Fairness In Juvenile Justice*”.
- ❑ In September 2007, a focus group was held in Chicago to ascertain public perceptions of youth, crime, race and the juvenile justice system. Based on the results, a statewide survey was developed for Illinois residents. The survey revealed that the public recognizes the potential for young people to change, agrees that the provision of treatment and services are more effective ways of rehabilitating youth than incarceration, and acknowledges that the juvenile justice system treats low income youth, Hispanic youth, and African-American youth unfairly.

Recommendations

- ❑ Collecting accurate data on race and ethnicity is necessary to provide a better understanding of the problem of disproportionate minority contact in Illinois. The Illinois State Police must be required to revise the arrest fingerprint card, and any related systems, to allow for the collection of ethnicity data.
- ❑ Financial resources should be directed to counties and communities with high rates of DMC. These funds should be directed through existing initiatives such as DMC, JDAI and Redeploy Illinois. Funds should be used to impact the fundamental fairness of the system, to study the extent of the issue, develop and implement strategies to address DMC and to develop and expand alternatives to secure confinement.
- ❑ The General Assembly should explore the possibility of further expanding automatic transfer reform. A study of the consequences of PA 94-0574 conducted by the Illinois Juvenile Justice Initiative and published as *Changing the Course: A Review of the First Two Years of Drug Transfer Reform in Illinois* (June 2008), found that in the two years following the Drug Transfer Reform, the number of youth automatically tried as adults was reduced by more than two-thirds. Further, nearly all (98%) of those affected by this change were youth of color (87% African American and 11% Hispanic).

Separation of Adult and Juvenile Offenders

In the event that an adult and juvenile offender are incarcerated at the same time in the same jail or lockup, they must be separated so that they cannot see or hear one another.

Status of Compliance

- ❑ In calendar years 2006 and 2007, there were no findings of non-compliance with the separation requirement, and in the first nine months of 2008 there have been no findings. Illinois has a strong history of being in compliance with the separation requirements of the JJDP Act. Before the core requirements of the Act were established, the state had statutorily mandated that adult and juvenile offenders be held “sight and sound separate.”

IJJC Action and Recommendations

Action

- ❑ The Commission and its contractors continue to offer technical assistance and training to facilities that may hold both youth and adults. Further, technical assistance is given to any facility contemplating such action.

Recommendations

- ❑ Facilities should be discouraged from housing both juveniles and adults as it is difficult to ensure staff are properly trained to deal with both populations and generally requires separate staff for juveniles and adults which becomes costly for the facility.

Deinstitutionalization of Status Offenders (DSO)

No minor accused of an act which would not be criminal if committed by an adult may be securely detained in a jail, lockup or juvenile detention center. Examples of status offenses are truancy, running away, underage drinking, ungovernable and non-offenders (those youth who come under the jurisdiction of the juvenile court because they are abused, neglected or dependent). Each state is permitted a limited number of times which the prohibition may be broken and still be considered to be in compliance with the requirement (the de minimus number).

Status of Compliance

- ❑ In calendar years 2006 and 2007, Illinois was in compliance with the DSO core requirement: Illinois reports that it had no DSO violations in jail or lockup facilities either year. Illinois is on track to be in compliance in 2008.
- ❑ In 2006, violations in juvenile detention centers totaled 51. In 2006, 13 counties out of 17 with juvenile detention centers accounted for all 51 violations. Illinois' de minimus figure for compliance in 2006 was 188 violations.
- ❑ In 2007, violations in juvenile detention centers totaled 57. Ten counties out of 17 with juvenile detention centers accounted for all 57 violations. Illinois' de minimus figure for compliance in 2007 was 188 violations.
- ❑ In the first nine months of calendar year 2008, violations in juvenile detention centers totaled 44. During this period there have been no DSO violations in county jails or municipal lockups.

IJJC Action and Recommendations

Action

- ❑ The Commission provided funding to the Illinois Juvenile Detention Alternatives Partners group to develop appropriate alternatives for youth within their communities. (See Detention Alternatives, this document).
- ❑ The Commission and its contractors provide technical assistance for facilities that house status offenders to encourage better practice and keep Illinois in compliance.

Recommendations

- ❑ Legislation is required to ensure that juveniles are never securely detained when the sole underlying offense is a status offense.

- ❑ Short of legislation, the Commission recommends that county detention centers be discouraged from housing status offenders. The AOIC should be directed to reduce the amount of funding they provide to detention centers that hold status offenders.
- ❑ The Illinois Department of Children and Family Services and IDHS must be charged with developing and implementing a plan to ensure that abused and neglected youth are placed in a proper setting and provided necessary services rather than placing them in secure detention. In calendar year 2006, 13 non-offenders who were DCFS wards were held in secure detention centers for a total of 521 days. In 2007, 20 non-offenders were held in secure detention centers for a total of 500 days².

Jail Removal

Juveniles accused of committing acts that would be criminal for adults are not to be securely detained in adult jails or lockups. A rule of reason is applied, allowing alleged delinquents to be detained for up to six hours for the purpose of investigation and identification. The clock starts the moment a juvenile is placed into a locked setting. This includes any locked room, or when a juvenile is cuffed to a stationary object. At the end of six hours, the juvenile must be released or transferred to a juvenile detention center. Prior to 2000, Illinois had been using the old interpretation that once the clock started, it could not be turned off until the juvenile was released from custody, even if the juvenile was removed from the locked setting. Starting in 2000 Illinois began using a new interpretation of the rule approved by OJJDP stating that once the clock starts, it can be stopped once the juvenile is permanently removed from the locked setting. Status and non-offenders may never be securely detained. As with the deinstitutionalization of status offenders, each state is permitted a limited number of times the requirement may be violated without bringing the state into non-compliance (the de minimus number.)

Status of Compliance

- ❑ In calendar year 2006, 40 county jails and 176 municipal lockups in Illinois securely detained juveniles. Of these, 11 county jails (58 violations) and 26 municipal lockups (118 violations) exceeded the six-hour limit at least once, resulting in 176 violations; de minimus is 274.
- ❑ In calendar year 2007, 39 county jails and 173 municipal lockups in Illinois securely detained juveniles. Of these, 12 county jails (49 violations) and 28 municipal lockups (109 violations) exceeded the six-hour limit at least once, resulting in 158 violations; de minimus is 274.
- ❑ In the first nine months of 2008, 38 county jails and 166 municipal lockups securely detained juveniles. Of those 12 county jails (53 violations) and 29 municipal lockups (106 violations) exceeded the six hour limit resulting in 159 violations.

IJJC Action and Recommendations

Action

- ❑ For the past several years the Commission has provided funding to four detention centers for the purpose of transporting pre-adjudicated youth from local jails and lock-ups to detention centers. The four detention centers received a total \$236,500 in SFY2007 and again in SFY2008. This enables the grantees to provide transport to nearby juvenile detention centers within the six-hour time frame for youth being held in small, rural jails

² JMIS, 2008

and lock-ups. The grant also allows for transportation to and from the detention center for hearings, presuming they are pre-adjudication. The four transportation grants serve approximately 65 downstate counties.

- ❑ The Commission and its contractors provide technical assistance and training for facilities that securely detain youth to ensure understanding and compliance with the JJDP Act.

Recommendations

- ❑ The General Assembly should revise the Illinois Juvenile Court Act to bring it into compliance with the federal JJDP Act with regard to the length of time a juvenile may be securely held in an adult county jail or municipal lock-up. Current state law allows youth to be held for 12 hours, and up to 24 hours in certain circumstances, conflicting with the federal 6 hour mandate.

Compliance Monitoring

Compliance monitoring is not considered a core requirement, however, pursuant to Section 223(a)(14) of the JJDP Act, the state must provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and non-secure facilities to insure compliance with the JJDP Act Core Requirements: Deinstitutionalization of Status Offenders, Separation of Adult and Juvenile Offenders, and Jail Removal. Accordingly, the Commission funded the Illinois Department of Corrections (IDOC) and in SFY2008 the Illinois Department of Juvenile Justice (IDJJ) to monitor facilities. In addition, the Commission employs a full time statewide compliance monitor to train and accompany IDOC and IDJJ staff in statutorily mandated Jail and Detention Center monitoring visits.

Status of Compliance

- ❑ In calendar year 2006, monitoring and technical assistance visits were conducted at 442 full and part-time municipal lockups, 67 county jails, and 17 juvenile detention centers.
- ❑ In calendar year 2007, monitoring and technical assistance visits were conducted at 453 full and part-time municipal lockups, 93 county jails, 17 juvenile detention centers and 5 Department of Juvenile Justice correctional facilities.
- ❑ In the first nine months of calendar year 2008, 407 visits were conducted.

Beyond the core requirements of the federal JJDP act, the Commission promotes many activities designed to strengthen the juvenile justice system. These activities include juvenile justice data collection, and efforts to improve and increase access to counsel, detention alternatives, mental health services, and the operation of the Illinois Department of Juvenile Justice.

JUVENILE JUSTICE DATA

In a model juvenile justice system, data drives decisions. Only with the right data can state and local policy makers effectively make critical decisions: how to best invest scarce fiscal resources, whether programs and policies are working as intended and where changes must be made to protect public safety and ensure that youth have real opportunities to contribute to their communities. Without complete, accurate and timely data, decision-makers such as legislators,

county board members, agency directors, service providers, probation directors, judges, prosecutors, law enforcement officials and many others are forced to speculate or, perhaps worse, use flawed information to guide fundamental decisions about how our system will function.

Case-level data on youth who are involved in the juvenile justice system at any stage of the process would provide significant insight into the needs of youth and effectiveness of the system. Unfortunately, these data are not readily available in a single information system. Instead, juvenile justice data in Illinois are housed in numerous and disparate local and state agencies which creates a significant barrier to understanding the juvenile justice system in Illinois. The IJJC has chosen to highlight three areas of need for this report: arrest, transfer and detention.

Arrest Data

Due to the manner in which data are collected, accurate juvenile arrest data is impossible to obtain. The only arrest data available come from criminal history records. These records are incomplete; not all arrests have to be reported.

The Illinois State Police (in charge of collecting statewide arrest data) does not collect arrest data by age, race, or sex. Under the Illinois Uniform Crime Reporting (I-UCR) program, all law enforcement agencies in the state are required to report monthly offense and arrest data to the Illinois State Police (ISP). Since 1993, I-UCR program has required aggregate-level offense and arrest data. These aggregate totals combine offense and arrest data across gender, race, and age. Unfortunately, the collection of offense and arrest data at the aggregate-level prevents researchers from comparing offender characteristics by age and other important variables.

An alternate source for juvenile arrest data is ISP's Computerized Criminal History (CCH) system. The Illinois *Criminal Identification Act* mandates that an arrest fingerprint card be submitted for all minors age 10 and over who have been arrested for: 1) an offense which would be a felony if committed by an adult, and 2) any motor vehicle offense (e.g., motor vehicle theft, driving under the influence, and aggravated fleeing and eluding police). Fingerprint-based arrest cards for minors age 10 and over who have committed an offense that would be a class A or B misdemeanor if committed by an adult may be submitted to ISP, but are not required. Further, the Illinois *Juvenile Justice Reform Provisions of 1998* mandated that ISP maintain a record of all station adjustments, both formal and informal, for offenses that would be a felony if committed by an adult. The reporting of station adjustments for misdemeanor offenses is also optional.

In 1999, prior to the reporting changes, nearly 40 percent of the largest police departments in the state were not submitting juvenile arrest cards to ISP. By 2001, nearly 90 percent of all police departments in the most populated areas were reporting juvenile arrests. However, even though the percentage of jurisdictions reporting had increased, the volume of arrests expected in a given area, when using Census Bureau population estimates to create a rough benchmark, was found to be adequate in only 22 counties. In other words, while the number of jurisdictions reporting has increased, the number of arrests reported is not as high as expected. Because of these limitations, trends in arrests over the 1999-2001 period cannot be reliably calculated using CCH data.

An additional limitation of arrest data collected through the CCH system is the lack of data on ethnicity. Although CCH does collect arrestee demographic information by race (e.g., Caucasian, African-American, Asian, American Indian), Hispanic ethnicity is not collected. The omission of ethnicity is a result of all state criminal history systems reporting data electronically to the Federal Bureau of Investigation (FBI). As a result, the race categories used by CCH may not be comparable to race categories used by other criminal justice agencies that include ethnicity in their race codes (e.g., detention and corrections). In light of these data quality issues, the number of juvenile arrests and the characteristics of those arrested would be conservative, and not an absolute measure of juvenile crime in Illinois.

Transfer Data

Another data collection barrier was encountered when the AOIC discontinued the collection of transfer data in 1999. Due to the manner in which these data are collected, it is not possible to determine the offenses for which the transfers take place, the eventual sentences of the cases once they were transferred, or the demographic characteristics of the juveniles transferred.

Although transfer data are no longer being reported directly to AOIC, the eJMIS allows the IJJC to determine which juveniles admitted to detention had their cases transferred to adult court. Of course the number of transfers are limited to the population of detained youth. Yet given the criteria for detention and the type of offenses that are eligible for transfer to adult court, eJMIS transfer data are a reasonable approximation of the number of transfer cases outside of Cook County.

Detention Data

Of the three types of juvenile justice data, that for detention is the most reliable. These data are available through eJMIS by detention center, county, judicial circuit and the state. This system collects demographic data as well as offense data and details of the stay in detention. However, this system's accuracy is dependent on local quality control efforts; little to no state level oversight exists in regard to data quality.

The barriers identified above make it exceedingly difficult to develop a comprehensive understanding of how youth are served by the juvenile justice system in Illinois. The incomplete picture of juvenile justice as provided by these data serves to hinder a community's ability to target appropriate services to youth which in turn serves to perpetuate an ineffectual system.

IJJC Action and Recommendations

Action

- IDHS and the IJJC have allocated a total of \$120,000 in federal Title II funds per year to two areas: \$60,000 to Illinois Criminal Justice Information Authority for the preparation of the annual data report *Juvenile Justice System and Risk Factor Data*, and \$60,000 to the University of Illinois for the maintenance and management of the eJMIS system.
- The IJJC has partnered with the Illinois' Models for Change Initiative to prepare *Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois' Juvenile Justice System*. This booklet provides instruction and guidance to juvenile justice practitioners, including members of state and local law enforcement, juvenile

courts, probation departments, and correctional agencies, on accurate racial coding of juveniles involved in Illinois' juvenile justice system.

- ❑ The IJJC has been supportive of JWATCH, a system currently under development by a partnership of Redeploy Illinois Oversight Board, Models for Change, University of Illinois and the Second Judicial Circuit. The system continues to be piloted in the Second Circuit and will be a requirement for both Redeploy Illinois sites and Models for Change sites in the coming year. This system centralizes data from the probation department and supports case level information.

Recommendations

- ❑ The ISP should revise the arrest fingerprint card, and any related systems, to allow for the collection of ethnicity data.
- ❑ Current law should be amended to discontinue the reporting and collection of arrest data for minors age 10 and over who have committed an offense that would be a class A or B misdemeanor if committed by an adult as well as station adjustments for misdemeanor offenses.
- ❑ The AOIC should collect and report detailed transfer data.
- ❑ The AOIC should institute quality control measures for eJMIS reporting.
- ❑ Juvenile justice practitioners, including members of state and local law enforcement, juvenile courts, probation departments, and correctional agencies should follow the *Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois' Juvenile Justice System*.
- ❑ The Commission recommends a study of the feasibility of implementing the JWATCH system state wide.

ACCESS TO COUNSEL

In the fall of 2007, the Children and Family Justice Center of Northwestern University School of Law and the National Juvenile Defender Center as part of Models for Change released an assessment of access to counsel and quality of representation in Illinois' delinquency proceedings. The assessment found that the overall quality of the representation of children in Illinois falls well short of national standards including the following individual deficiencies. Across the state attorneys for children are typically appointed at the child's first appearance before a judge robbing the child/attorney team of communication prior to the detention hearing, virtually assuring that all youth are detained. Over 70 percent of cases in juvenile court are resolved by pleas rather than by trial. During the plea process, youth are not adequately informed by the judge of their rights, e.g. to go to trial, to be represented by counsel, to remain silent, and to put on a defense. Juvenile defenders in a majority of Illinois' counties represent youth according to the "best interest" rather than the "expressed interest" model which substitutes the attorney's judgment for the client and can constrain counsel to the expectations of

the court thus limiting advocacy. By way of example, the assessment found that few attorneys for children in Illinois (outside major metropolitan areas) file written pre-trial motions, including those for discovery. When asked why, some of the attorneys said that they trusted the police and prosecutors not to “trump-up charges.” Appeals in juvenile cases are filed in a few number of cases, and virtually all defenders view their duty of representation as ceasing as soon as the dispositional hearing has concluded. Finally, juvenile defense attorneys, especially those in urban areas, are overwhelmed with large caseloads and high volume court calls. Consequently, these attorneys are unable to provide the kind of representation necessary to insure that juvenile courts render reasoned and just decisions.

IJJC Action and Recommendations

Action

- ❑ In SFY 2007 the Commission funded three Access to Counsel grants that totaled \$87,500 to provide an investigator to interview youth in detention prior to the detention hearing. This was the third and final year of a competitive grant.
- ❑ The IJJC held a special committee meeting to gather information and recommendations from practitioners in Illinois about current practice and policy related to providing access to counsel in the juvenile justice system. The authors/researchers of the assessment described above presented their findings. Representatives of two counties reported on the utility of the Commission’s earlier efforts to enhance defender services by providing an investigator to interview youth in detention prior to the detention hearing through *Access to Counsel* grants. Finally, representatives from First Defense Legal Aid provided insight into a unique 24 hour approach to providing access to counsel at the time of the initial police interrogation. This meeting and others that followed has led the Commission to formulate parameters to fund a pilot program to provide access to counsel to youth at the stage of arrest, 24 hours per day. Currently the Commission is finalizing the approach, which will include targeting a community with a significant minority population.

Recommendations

- ❑ Enact legislation that would prevent a youth from waiving their right to counsel or from appearing at any hearing (even the first appearance) without the presence of an attorney.
- ❑ Enact legislation that would allow a youth to invoke the right to counsel, even if this right had been previously waived.
- ❑ The General Assembly should direct funding to the newly created Juvenile Defender Resource Center and Juvenile Justice Resource Center.

DETENTION ALTERNATIVES

Every year, tens of thousands of youth are inappropriately or unnecessarily detained in dangerous, overcrowded detention centers increasing their risk of recidivism, severing fragile ties to families and schools, and costing taxpayers millions of dollars. Despite sensationalized headlines about isolated incidents, most detained youth are charged with non-violent offenses or rule violations. Detention, which generally occurs *before* a delinquency finding (adjudication),

is intended for youth who pose a significant risk of re-offending or fleeing the juvenile court's jurisdiction. However, data shows that two-thirds of detained youth are charged with property or public order offenses and/or technical probation violations or status offenses.³

Many youth in Illinois end up in secure detention for reasons unrelated to the need for public safety or because the youth will fail to reappear in court: inability to distinguish which youth pose serious risks; adults in the juvenile court system being angry or frustrated with the youth and want to "teach the youth a lesson" or "get their attention"; no parent is available at home; system processing inefficiencies have delayed their cases; and other systems (schools or mental health for example) can't provide appropriate services.

Detention is not an equal opportunity program; it disproportionately impacts the most disadvantaged youth and communities. About two-thirds of those detained are youth of color, and virtually all of the increased use of detention is due to greatly increased rates of detention for African-American and Latino youth.⁴ In Illinois, Detention Screening Instruments vary from institution to institution. This causes local disparities in criteria resulting in unfair and inconsistent treatment of youth from one county to another, and often contributes to the disproportionate use of secure detention for youth of color. Of the youth held in secure detention from 1/1/2006 through 12/31/2007 (29,289 youth) 67 percent were either African American or Hispanic (eJMIS 2008).

Overall, detention is generally harmful to youth and should be used as a last resort. Youth detained prior to their detention hearing are more likely to be formally charged, more likely to be adjudicated delinquent and more likely to be incarcerated or placed out-of-home.⁵ Detention is a stronger predictor of recidivism than many traditional risk factors, such as gang involvement, weapons, possession, or family dysfunction. Detained youth become disconnected from their schools and treatment programs, and underlying health and mental conditions are likely to worsen as a result of confinement.

A recently completed poll commissioned by the Center for Children's Law and Policy found that the public supports redirecting government funds from incarceration to counseling, education and job training programs for youth offenders. The public views the provision of treatment and services as more effective ways of rehabilitating youth than incarceration. More than 70% of the general public agrees that incarcerating youthful offenders without rehabilitation is the same as giving up on them.

The national Juvenile Detention Alternatives Initiative was begun by the Annie E. Casey Foundation in 1992, as a pilot project in three selected sites – Multnomah County, Oregon; Santa Cruz, California; and Cook County, Illinois. The goal of JDAI is to reduce the inappropriate and unnecessary use of secure detention for youth that do not pose a threat to public safety or are at risk of missing their court appearance date. Eight core strategies guide the initiative, including: local stakeholder responsibility and authority to improve the local juvenile justice system; data

³ The Annie E. Casey Foundation. *Juvenile Detention Alternatives Initiative: A Successful Approach to Comprehensive Reform*, 2007. Baltimore, MD. Page 1. Available from: www.aecf.org

⁴ Ibid. p. 2.

⁵ Ibid.

driven decision making; objective criteria for detention; a continuum of community-based alternatives to detention; expedited case processing of juveniles; minimization of special detention cases; high standards for conditions of confinement; and minimization of racial/ethnic disparities in detention. Results of JDAI are lowered detention populations, enhanced public safety due to youth being held accountable, and reduced costs to tax payers because community-based alternatives are less expensive than the average of \$120 per day to hold a youth in secure detention.

Building on the success Cook County experienced in reducing its detention population from over 800 youth to less than 500 by implementing JDAI principles, the IJJC sought to expand the program to other parts of Illinois. Working in partnership with the Annie E. Casey Foundation the IJJC selected a few sites throughout the state that were interested in reducing their reliance on secure detention. Stakeholders in each county came together and created a plan for reducing the unique confinement issues they faced. The IJJC provided funding for programmatic efforts and the Foundation provided technical assistance and support. Yearly conferences were held at which counties showcased their efforts and invited new sites to join the effort. Special emphasis was placed on developing systemic change that would outlast programmatic efforts.

IJJC Action and Recommendations

Action

- ❑ The Commission is represented on the IJDAI Partners Group and provides ongoing financial support for the Partners Group (\$25,000 per year). The Commission also provides funding for a part-time JDAI statewide coordinator position.
- ❑ Eleven counties had previously received grant funding from the Commission to implement the principles of JDAI. Although there is no specific JDAI funding, 27 counties are actively practicing the principles of JDAI.
- ❑ The partnership between IJDAI and Redeploy Illinois has been strengthened. Those jurisdictions participating in Redeploy Illinois are being challenged to examine their practices against the core principles of JDAI especially the practice of utilizing secure detention.
- ❑ The Commission has worked closely with the Partners Group to reduce DMC and the institutionalization of status offenders.
- ❑ The Partner's Group is promoting the benefits of appropriate detention to non-JDAI counties that have a Juvenile Detention Center. It is using data on number of commitments, average daily population, and average length of stay to target counties and determine priority.
- ❑ The Partner's Group is providing outreach and education to the judiciary, particularly to newly elected judges, as well as State's Attorneys.

- ❑ The Partner’s Group is providing technical assistance and support, mentoring and training opportunities to the sites to encourage use of evidence-based practices and on-going local examination of juvenile justice system practices.
- ❑ In fiscal year 2008 the Commission allocated \$35,000 to the Partners Group to sponsor a portion of the “Connecting the Pathways” Conference.

Recommendations:

- ❑ The Administrative Office of the Illinois Courts should develop and implement a standardized state-wide Detention Screening Instrument.
- ❑ Incentives should be instituted to discourage the use of secure detention and encourage community-based services for at-risk youth.

MENTAL HEALTH

Increasingly, youth involved with the juvenile justice system are diagnosed with mental health disorders. *The Surgeon General’s 2002 Report on Children’s Mental Health* found that the prevalence of mental health disorders among youth in the juvenile justice system is three times higher than that among youth in the general population.

The National Center for Mental Health and Juvenile Justice, working in partnership with the Council of Juvenile Correctional Administrators, completed a comprehensive study of the mental health needs of youth in the juvenile justice system. They found that, overall, 70 percent of youth were diagnosed with at least one mental health disorder, with girls experiencing a higher rate of disorders (81.8%) when compared to males (66.8%). Many of the youth in the study exhibited more than one mental health disorder. Of those youth who were diagnosed with a mental health disorder, 79 percent met the criteria for at least one other mental health diagnosis. The majority of youth who met criteria for a mental health diagnosis also were diagnosed with a co-occurring substance use disorder (Skowrya & Coccozza, 2007).

In Illinois, there is growing concern about the number of youth in the juvenile justice system who suffer from mental health disorders that go undiagnosed or untreated. Many youth are detained or placed in the juvenile justice system for relatively minor, non-violent offenses due to the lack of community-based service options available. The placement of youth in the juvenile justice system as a means of accessing mental health care is part of a growing trend toward the “criminalization of the mentally ill” (Bell & Shern, 2002). The U.S. Department of Justice conducted a series of investigations into the conditions of confinement of youth in juvenile detention and correctional facilities across the country. These investigations consistently highlighted the lack of appropriate screening, assessment and treatment available to youth in their care.

Further, youth in the juvenile justice system have a very high rate of having been exposed to trauma. Child trauma has been defined by the National Institute of Mental Health as “*the experience of an event by a child that is emotionally painful or distressful which often results in lasting mental and physical effects.*” Children exposed to trauma often exhibit a combination of

symptoms or problems that often produce varying behaviors from youth to youth which can be confusing for those working to understand them and far too often leads to misdiagnosis as mental illness. Unfortunately in many Illinois communities there is a critical shortage of youth service organizations with the capacity for conducting professional mental and behavioral health assessments and the ability to provide proven approaches for treatment and so youth are often inappropriately remanded to the juvenile justice system.

There is ample evidence and a growing body of literature that supports the need for mental health services in the juvenile justice system. Henggeler, et al, (1992) published solid and repeated documentation of reduced recidivism as a result of Multisystemic Therapy (MST) and Functional Family Therapy (FFT) at much lower costs than incarceration. A 2000 review of the research on the characteristics of effective mental health treatments for youth in the juvenile justice system found that community-based treatment and programs are generally more effective than incarceration or residential placement in reducing recidivism, even for serious and violent juvenile offenders (Lipsey, et al, 2001). Numerous reviews of evidence-based mental health treatment interventions have found positive outcomes including decreased psychiatric symptomatology and reduced long-term rates of re-arrest (Henggeler, et al). These evidence-based interventions are all family and community-based models, and are being used throughout the country for youth referred from the juvenile justice system. Diverting youth into effective treatment that addresses their mental health needs and reduces the likelihood of further delinquency offers a more effective alternative than simply locking them up with limited access to effective treatment (Skowrya & Coccozza, 2007). However, these evidenced based interventions are hard to come by for many communities as they require significant administrative costs to ensure fidelity to the model. These costs, training for staff, fees for ongoing technical assistance, etc. are not generally supported by state grants and are often considerable for a community agency.

The lack of appropriate mental health treatment for youth involved in the juvenile justice system can be attributed in part to the lack of coordination between the state's mental health and juvenile justice systems. While administrative responsibility for Illinois' mental health system rests with the IDHS, there is no single entity responsible for oversight of the juvenile justice system. That responsibility is widely dispersed among agencies and organizations at the local, county, and state levels, resulting in substantial fragmentation of the system. The IDHS' Division of Community Health and Prevention administers a full range of prevention and intervention programs for system-involved youth to divert youth from the juvenile justice system in favor of community-based services. However, access to needed mental health and trauma services through those programs is limited by fiscal and programmatic constraints.

Mental Health Pilot Initiative - In 2005/2006 IDHS in collaboration with the Illinois Collaboration on Youth/Youth Network Council (ICOY/YNC) implemented the Juvenile Justice Mental Health Initiative (JJMHI). This initiative operated through 22 IDHS provider organizations at 38 sites throughout Illinois to provide mental health services to youth who were in contact with either the law enforcement or juvenile justice system and who had been assessed as having a mental health disorder. Ninety-five percent (95%) of the youth who were served by JJMHI had no additional law enforcement contact during the pilot period. Nearly two-thirds of the young referred to the program had histories of offenses against other persons, while more

than two-thirds (69%) also had histories of alcohol and/or drug-related problems. Three-quarters (75%) of youth enrolled had been diagnosed with a serious mental illness, per the Diagnostic and Statistical Manual (DSM- IV). Of those youth with a single diagnosis, those diagnoses most commonly indicated were: substance abuse, depression and conduct disorders. Those youth who were diagnosed with dual or multiple diagnoses most frequently were also abusing substances in “numbers that are higher than would be expected.” This initiative highlights the success of reduced recidivism as a result of timely access to mental health treatment at a community-based level.

IJJC Action and Recommendations

Action

- ❑ In SFY2007 the Commission provided \$1,607,317 to fund 16 Delinquency Intervention Services grants designed to intervene in the lives of youth determined to be at high risk of further involvement in the juvenile justice system. Youth targeted were adjudicated delinquent and placed on probation. These youth were provided services based on an individualized case plan and the providers were required to implement evidenced-based programming and services. The most common approaches were Multisystemic Therapy and Functional Family Therapy. Over the three year grant period, these 16 providers served approximately 1,000 youth with 72 percent completing the program successfully with no incidence of re-offending.
- ❑ The Commission has initiated the Youth Services – Medicaid Pilot. The IDHS youth services system is and has been chronically under-funded. Consequently, it struggles to provide needed services to youth, in particular mental health services. Building on the success of the earlier JIMHI pilot, this initiative is to identify and provide mental health services to youth that come into contact with the youth service system. Further, it is to create a mechanism by which youth services providers can, through Illinois Department of Healthcare and Family Services, claim Federal Medicaid reimbursement. These federal reimbursed funds would be distributed back to the youth services providers in the form of a grant increase in subsequent years. Eighteen IDHS youth services providers are currently under consideration for funding as part of the pilot.
- ❑ In 2007/2008 the Commission, through funds awarded to ICJIA, began to assess the various mental health tools used in the juvenile justice system. The types of assessments, the point at which they are used in the juvenile justice system as well as the credentials of the individual administering these assessments are the focus of the study. The study is necessary to determine what exists and the possible deficiencies in mental health screening and assessment practices. The results of the study are expected in late spring 2009.
- ❑ Mental illness and substance abuse are closely linked among justice populations, and particularly among juvenile justice populations. They are so common that most federal funding initiatives now presume their co-occurrence and require assessment and treatment of both. The Mental Health Pilot initiative confirmed this link, revealing that more than two-thirds (69%) of the youth referred to the program had histories of alcohol and/or drug-related problems and were frequently abusing substances in "numbers that

are higher than would be expected." Substance abuse and mental illness are also self-perpetuating in tandem. The mentally ill individual may not possess the behavioral temperance that would otherwise discourage drug use, and drug use and addiction in turn impair judgment, further weaken mental faculties, and may incline an individual to commit acts to support the physiological addiction. In delinquent populations, that behavior is often criminal in nature. Because mental illness and substance use appear together, they must be addressed together. In 2009, the Commission will begin to take the steps necessary to focus attention on the issue of substance abuse prevention, treatment, and recovery within the broader context of mental health services to youth. The Commission recognizes that the absence of services to address either issue dramatically hinders the opportunity for a successful outcome.

Recommendations

- ❑ The Governor and General Assembly must increase funding for the Comprehensive Community-Based Youth Services system at IDHS. This system is mandated by statute and has received relatively flat funding for more than a decade. As the number of youth in need of services increases, coupled with the increasing severity of those needs, the system struggles to provide sufficient services to those youth identified as in an “immediate crisis”. The lack of resources creates a cycle in which many youth are showing up in the juvenile justice system because needs are going unidentified and untreated in the youth services system.

- ❑ Direct funding to community-based youth services providers to build and maintain the capacity to deliver evidence-based mental health treatment interventions such as MST and FFT as well as trauma-focused treatments recognized by the National Child Traumatic Stress Network.

ILLINOIS DEPARTMENT OF JUVENILE JUSTICE

The Illinois Department of Juvenile Justice (IDJJ) replaced the Juvenile Division of the Illinois Department of Corrections on July 1, 2006. The mission of the new department is to treat juvenile offenders in an age-appropriate manner, provide rehabilitative treatment, hold youth accountable for their actions, and equip them with competencies to become productive members of society.

The legislation creating the IDJJ passed with an assurance that the new department would be revenue-neutral in its creation. However, years of reduced budgets, hiring freezes, and loss of positions to the adult system handicapped the new department at inception. All operations of the department were affected including incarceration, after-care, education and administration. At the time of the transition and presently, IDJJ’s incarcerated population is 150 percent of design capacity, necessitating housing half of the population in double-bunked rooms, an unsafe practice that is at odds with nationally recognized standards. In 1999, the Juvenile Division had a professional aftercare staff of 145 people and regional contracts for placement, transition and day reporting services. By 2006, that staffing had decreased to 13 adult division parole agents in Cook County. Downstate, youth were supervised by “adult” parole agents with shared juvenile

case loads as high as 60 youth (National juvenile parole caseload standards are one to 24 and one to 12 for high-risk youth). Regarding the department's educational capacity, in 1999, there were 120 teachers funded through general revenue. As of 2007, the number had shrunk to 54 teachers with 44 vacancies. Cost cutting occurred at all institutional levels including reducing the number of Assistant Superintendents, direct care supervisory personnel, health care and mental health staff, maintenance, custodial, administrative and other critical positions. In some instances there was money to pay salaries but the department was unable to get permission from Office of Management and Budget to post and fill jobs. The consequences for programming, supervision, case management, and safety were reflected in reduced treatment activities, effectiveness and a rising numbers of incidents among the population.

Despite the handicap, IDJJ made significant progress. The number of disciplinary confinements was cut in half and the average time in confinement went from 8.83 days in 2006 to 3.26 days in March of 2008. The rules and regulations under which the Department operates were examined and modified to reflect the new mission of IDJJ. A comprehensive five-year master plan was completed. The plan addresses population projections, identifies evidence-based case management and treatment models and capital needs. Pilot programming of National Council on Crime and Delinquency's recommended Juvenile Assessment Intervention System screening, assessment, and case management system and preparations for adapting the evidence-based Washington State *Integrated Treatment Model* was put in place and is proceeding. A new job category of Juvenile Justice Specialist was created to replace the old youth supervisor; the first class of eleven new employees have been hired (the first replacement direct care staff to be hired in four years). A School Superintendent was hired in April of 2008, and a school board was appointed in the summer of 2008. Many of the teaching vacancies are filled as well as the principal positions. Further, a Special Education Coordinator was hired. The National Performance Based Standards monitoring system has been adopted and IDJJ has successfully completed its candidacy stage, fully implementing outcome reporting in all facilities by October of 2007. IDJJ sought and received a grant from IJJC to fund the development, promulgation, and enforcement of new detention standards for the 17 detention centers in Illinois and to assist the Department in selecting new training curriculums.

Much work remains to be done. Administratively, the department must implement training programs. Given the influx of new staff, the importance of training and retraining is significant. Strategically, the department must devise a plan for addressing the changing nature of the juvenile justice population. In 2008, over 150 older youth, many charged with very serious adult felonies, were transferred from Cook County Jail to IDJJ custody. These young men are disruptive to the juvenile facilities both because of their criminal attitudes and the fact that they must be transported to Cook County Court as frequently as every week. Finally, the State must continue to invest in the department's responsibility to provide care and treatment for committed youth and care after incarceration. Although the Governor initially included funds in the SFY 2009 budget for the creation of a statewide aftercare system, by the time of the passage of the final budget, those funds had been removed. All current aftercare functions continue to be performed throughout the state by Adult Parole Agents and do not incorporate evidence-based practices nor a continuum of youth and family interventions that reflect needed services and care.

Actions

- ❑ The IJJC granted funds to IDJJ to support a Detention Center Monitor responsible for monitoring county juvenile detention centers and working with an advisory body to formulate and promulgate new detention standards.
- ❑ In a companion grant, the IJJC awarded a grant to IDJJ to select and customize training curriculum for all staff.

Recommendations

- ❑ The Governor and General Assembly must work together to fully fund training for all new and existing staff.
- ❑ The Governor and General Assembly must work together to restore staffing to meet constitutional standards of care for youth that are incarcerated or under supervision.
- ❑ The Governor and General Assembly must work together to fully fund the development of a separate system of aftercare within IDJJ.
- ❑ The Governor and General Assembly must work together to pass legislation that would prohibit IDJJ from holding youth who are accused of committing felonies after their 18th birthday.
- ❑ The Governor and General Assembly must work together to empower the Prison Review Board to discharge a committed youth 17 years or older now being held on adult criminal felony charge(s) to a detainer or warrant.
- ❑ The Governor and General Assembly must work together to embrace the objectives in the IDJJ Master Plan including multi-year capital appropriations to replace its aging, obsolete, and dangerous facilities and to modernize their infrastructure to meet contemporary housing, educational, treatment, and safety standards for children.

SUMMARY

The state of Illinois remains in compliance with the core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). These requirements are Disproportionate Minority Contact, Separation of Adult and Juvenile Offenders, Deinstitutionalization of Status Offenders, and Jail Removal. The following summarizes the Illinois Juvenile Justice Commission's recommendations to insure and strengthen continued compliance and consistent improvements to juvenile justice and delinquency prevention programs and services.

Disproportionate Minority Contact (DMC)

- ❑ Collecting accurate data on race and ethnicity is necessary to provide a better understanding of the problem of disproportionate minority contact in Illinois. The Illinois State Police must be required to revise the arrest fingerprint card, and any related systems, to allow for the collection of ethnicity data.

- ❑ Financial resources should be directed to counties and communities with high rates of DMC. These funds should be directed through existing initiatives such as DMC, JDAI and Redeploy Illinois. Funds should be used to impact the fundamental fairness of the system, to study the extent of the issue, develop and implement strategies to address DMC and to develop and expand alternatives to secure confinement.
- ❑ The General Assembly should explore the possibility of further expanding automatic transfer reform. A study of the consequences of PA 94-0574 conducted by the Illinois Juvenile Justice Initiative and published as *Changing the Course: A Review of the First Two Years of Drug Transfer Reform in Illinois* (June 2008), found that in the two years following the Drug Transfer Reform, the number of youth automatically tried as adults was reduced by more than two-thirds. Further, nearly all (98%) of those affected by this change were youth of color (87% African American and 11% Hispanic).

Separation of Adult and Juvenile Offenders

- ❑ Facilities should be discouraged from housing both juveniles and adults as it is difficult to ensure staff are properly trained to deal with both populations and generally requires separate staff for juveniles and adults which becomes costly for the facility.

Deinstitutionalization of Status Offenders (DSO)

- ❑ Legislation is required to ensure that juveniles are never securely detained when the sole underlying offense is a status offense.
- ❑ Short of legislation, the Commission recommends that county detention centers be discouraged from housing status offenders. The AOIC should be directed to reduce the amount of funding they provide to detention centers that hold status offenders.
- ❑ The Illinois Department of Children and Family Services and IDHS must be charged with developing and implementing a plan to ensure that abused and neglected youth are placed in a proper setting and provided necessary services rather than placing them in secure detention. In calendar year 2006, 13 non-offenders who were DCFS wards were held in secure detention centers for a total of 521 days. In 2007, 20 non-offenders were held in secure detention centers for a total of 500 days⁶.

Jail Removal

- ❑ The General Assembly should revise the Illinois Juvenile Court Act to bring it into compliance with the federal JJDP Act with regard to the length of time a juvenile may be securely held in an adult county jail or municipal lock-up. Current state law allows youth to be held for 12 hours, and up to 24 hours in certain circumstances, conflicting with the federal 6 hour mandate.

In addition to recommendations regarding the federal JJDP Act requirements, the Commission offers many others for the purpose of improving Illinois' juvenile justice system. The recommendations are as follows.

⁶ JMIS, 2008

JUVENILE JUSTICE DATA

- ❑ The Illinois State Police should revise the arrest fingerprint card, and any related systems, to allow for the collection of ethnicity data.
- ❑ Current law should be amended to discontinue the reporting and collection of arrest data for minors age 10 and over who have committed an offense that would be a class A or B misdemeanor if committed by an adult as well as station adjustments for misdemeanor offenses.
- ❑ The AOIC should collect and report detailed transfer data.
- ❑ The AOIC should institute quality control measures for eJMIS reporting.
- ❑ Juvenile justice practitioners, including members of state and local law enforcement, juvenile courts, probation departments, and correctional agencies should follow the *Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois' Juvenile Justice System*.
- ❑ The Commission recommends a study of the feasibility of implementing the JWATCH system state wide.

ACCESS TO COUNSEL

- ❑ Enact legislation that would prevent a youth from waiving their right to counsel or from appearing at any hearing (even the first appearance) without the presence of an attorney.
- ❑ Enact legislation that would allow a youth to invoke the right to counsel, even if this right had been previously waived.
- ❑ The General Assembly should direct funding to the newly created Juvenile Defender Resource Center and Juvenile Justice Resource Center.

DETENTION ALTERNATIVES

- ❑ The Administrative Office of the Illinois Courts should develop and implement a standardized state-wide Detention Screening Instrument.
- ❑ Incentives should be instituted to discourage the use of secure detention and encourage community-based services for at-risk youth.

MENTAL HEALTH

- ❑ The Governor and General Assembly must increase funding for the Comprehensive Community-Based Youth Services system at IDHS. This system is mandated by statute and has received relatively flat funding for more than a decade. As the number of youth in need of services increases, coupled with the increasing severity of those needs, the system struggles to provide sufficient services to those youth identified as in an “immediate crisis”. The lack of resources creates a cycle in which many youth are showing up in the juvenile justice system because needs are going unidentified and untreated in the youth services system.
- ❑ Direct funding to community-based youth services providers to build and maintain the capacity to deliver evidence-based mental health treatment interventions such as MST and FFT as well as trauma-focused treatments such as Cognitive Behavioral Therapy, Child Parent Psychotherapy, and Parent/Child Interaction Therapy.

ILLINOIS DEPARTMENT OF JUVENILE JUSTICE

- ❑ The Governor and General Assembly must work together to fully fund training for all new and existing staff.
- ❑ The Governor and General Assembly must work together to restore staffing to meet constitutional standards of care for youth that are incarcerated or under supervision.
- ❑ The Governor and General Assembly must work together to fully fund the development of a separate system of aftercare within IDJJ.
- ❑ The Governor and General Assembly must work together to pass legislation that would prohibit IDJJ from holding youth who are accused of committing felonies after their 18th birthday.
- ❑ The Governor and General Assembly must work together to empower the Prison Review Board to discharge a committed youth 17 years or older now being held on adult criminal felony charge(s) to a detainer or warrant.
- ❑ The Governor and General Assembly must work together to embrace the objectives in the IDJJ Master Plan including multi-year capital appropriations to replace its aging, obsolete, and dangerous facilities and to modernize their infrastructure to meet contemporary housing, educational, treatment, and safety standards for children.