

# The Second Century

JUVENILE JUSTICE REFORM IN ILLINOIS

December 2008

**ModelsforChange**  
Systems Reform in Juvenile Justice



## ACKNOWLEDGEMENTS

This report was produced by the Center for Children’s Law and Policy (CCLP), a public interest law and policy organization focusing on reform of juvenile justice and related systems affecting troubled and at-risk youth, and protection of the rights of children in such systems. CCLP is a member of the National Resource Bank, the association of national organizations providing technical assistance to states through Models for Change.

The sections of the report were written by Professor Diane Geraghty, Director of the Civitas ChildLaw Center at Loyola University of Chicago Law School; Lisa Jacobs, Program Manager, Illinois Models for Change Initiative; and Paula Wolff, Senior Executive at Chicago Metropolis 2020. Mark Soler, Executive Director of CCLP, edited the report. The report was designed by Robert Lewis.

## MODELS FOR CHANGE

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana and Washington and through action networks focusing on key issues, in California, Colorado, Connecticut, Florida, Kansas, Maryland, Massachusetts, New Jersey , North Carolina, Ohio, Texas, and Wisconsin.

## Foreword

This is the second in a series of state-based reports by *Models for Change: Systems Reform in Juvenile Justice*, an initiative supported by the John D. and Catherine T. MacArthur Foundation. It describes a number of promising juvenile justice policies and practices in Illinois that provide a solid base for further reform efforts. The report shares information about these efforts in the hope that they will provide worthwhile ideas and inspiration to cities, counties across the state and states across the nation.

The Foundation began making grants in the field of juvenile justice in 1996. Its investments grew out of the Foundation's long-standing interest in youth development and were sparked by a disturbing national trend to treat young offenders as if they were no longer young. The Foundation provided grants in two areas: (1) advancing the scientific knowledge base; and (2) fostering the development of appropriate laws, policies, and practices. It funded extensive research on adolescent development and juvenile justice, as well as training, advocacy, policy analysis, and public education efforts.

More recently, the Foundation has launched an initiative to help states become models of juvenile justice reform. Its goals are to promote a juvenile justice system that is rational, fair, effective and developmentally appropriate – one that holds young offenders accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to public safety. The Foundation believes that a model system must incorporate eight key principles that reflect widely-shared and firmly-held values related to juvenile justice: fundamental fairness, recognition of juvenile-adult differences, recognition of individual differences, recognition of young peoples' potential, public safety, individual responsibility, community responsibility, and system responsibility.

The Foundation selected Illinois as the second state to participate in the Models for Change initiative after Pennsylvania. Illinois, home of the

world's first juvenile court and a laboratory for juvenile justice advances for over a century, was chosen because of its leadership capacity and quality, level of community and civic engagement, potential for collaboration among system stakeholders, ongoing reform efforts, and openness to change. *Models for Change* reform efforts in Illinois are focused on bringing about change in three areas: (1) community-based alternatives to secure confinement; (2) juvenile system jurisdiction; and (3) disproportionate minority contact with the juvenile justice system.

Although Illinois does not yet have a model juvenile justice system, there is a growing sense of optimism among juvenile justice stakeholders across the state that it is possible to work collaboratively to accelerate the pace of reform in the state that first recognized the need for a specialized system of justice to respond to the needs of children in conflict with the law.

Laws, policies and practices that show promise in Illinois include:

- Redeploy Illinois, a pilot program designed to create financial incentives for counties to provide community-based services to youth who might otherwise have been sent to the Department of Juvenile Justice, which has already produced nearly \$ 11 million in savings;
- The Juvenile Detention Alternatives Initiative, a program that between 1995 and 2005 reduced the daily population of youth in the Cook County Detention Center from 682 to 441.
- Legislation that amended the "automatic transfer" statute and returned drug offenses to juvenile court, thereby becoming the first state to reverse a trend that led to increased numbers of youth being tried as adults.
- The Cook County Juvenile Court Clinic, a unique program that provides judges and court personnel with clinical assessments and information regarding community-based mental health.
- The Burns Institute, with the support of the Illinois Juvenile Justice Commission, has worked in seven sites to reduce disproportionate minority confinement.
- The Department of Juvenile Justice is a new department that separates youth corrections from the adult system and focuses on providing

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treatment and services designed to help young offenders transition successfully to the community.

The sections of this report describe the origins and implementation of the policies and procedures, lessons learned from the efforts, challenges for the future, and resources through which others can obtain more information. The sections of the report were drafted by Professor Diane Geraghty, Director of the Civitas ChildLaw Center at Loyola University of Chicago School of Law; Lisa Jacobs, Program Manager, Illinois Models for Change Initiative; and Paula Wolff, Senior Executive at Chicago Metropolitan 2020. We are indebted to them for their research, perspective, and commitment to furthering juvenile justice reform. This report would not have been possible without the continuing support of the John D. and Catherine T. MacArthur Foundation and its *Models for Change* initiative.

We hope that this report will open many opportunities to share information about the accomplishments of Illinois and other states participating in *Models for Change*.

Mark Soler, Executive Director  
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November, 2008

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# Chapter 1

## **Financial Incentives to Reduce Youth Confinement: Redeploy Illinois**

In 2003, juvenile justice advocates, including the Juvenile Justice Initiative, the John Howard Association, and Chicago Metropolis 2020 came together in response to troubling data published by the Illinois Criminal Justice Information Authority. Judges, particularly in downstate rural Illinois, were increasingly sending non-violent youth to the Illinois Department of Corrections (IDOC). Further, youth were committed to youth prisons for relatively minor infractions solely because there was a fiscal incentive to use state-funded incarceration rather than county-funded local community based alternatives. Illinois does not charge counties for commitments to state youth prisons, even for minor offenses. At the same time, Illinois traditionally had not subsidized local community services as alternatives to state youth prisons. Hence, at sentencing, judges had a fiscal incentive to use state institutions rather than local programs.

In addition, many youth were sent for “court evaluations” to determine if some form of treatment was needed. Approximately 25% of youth admissions to IDOC were labeled “court evaluations,” and on any given day approximately 10% of the IDOC population comprised youth under “court evaluation” orders. These court evaluation orders were typically for 30 or more days of incarceration, when the evaluation itself took less than two weeks. Illinois judges admitted to using court evaluation orders out of frustration, as a “scared straight” approach to give youth a “taste” of prison life. They also freely admitted that this did not have the desired deterrent effect, yet they persisted in the practice, seeing no other options. In addition, at least one large county, which did not use

court evaluations, implemented a practice of “bring back” orders which caused youth to be sent to the Department of Corrections, pending a decision by the department and the judge about when the child should be returned to his or her community.

The experience of RECLAIM Ohio and similar programs in Pennsylvania and Wisconsin suggested that if the state provided resources to local communities for services to its youth, those communities would send fewer youth to state facilities. As a result of the collaborative efforts of juvenile justice stakeholders, Illinois adopted a legislatively-supported pilot program known as Redeploy Illinois. The theory behind Redeploy Illinois was that monies saved through reduced incarceration could be reinvested in community services. Program goals include a substantial reduction in youth confinement, development of a continuum of community-based services, a decrease in recidivism, and a decline in disproportionate minority confinement.

### **HISTORY: A LEGISLATIVE INITIATIVE TO REVERSE A COUNTER-PRODUCTIVE FUNDING DESIGN**

The advocacy groups organized a broad-based coalition to develop legislation and design a strategy of public education to convince policy makers of the benefits of the initiative. The program included several components:

- An initial pilot stage to test the model would be carried out in several Illinois counties.
- The counties would be asked to apply for Redeploy Illinois funds and develop a plan to offer community-based and evidence-based services as alternatives to youth incarceration.
- The counties would have to reduce their commitments to IDOC by 25% of the prior three year’s average or pay a monetary penalty to the state
- There would be an oversight board, housed within the Department of Human Services<sup>1</sup> and chaired by its Secretary, which would include representatives of relevant state agencies, interested local parties

(such as the Cook County State's Attorney's Office), service providers, and advocates of juvenile systems reform.

- The oversight board would develop the RFP for the counties and would select the pilot sites.
- There would be formal evaluations of the sites.
- There would be an annual report to the Governor and the members of the General Assembly each year on the program implementation and outcomes for each site.

In addition, it was agreed among the advocates, the Governor's Office and the Governor's Office of Management and Budget that an appropriation of \$3 million of new money would be designated for this project.

The legislation was approved in December 2003, although the appropriation was reduced to \$2 million, and the Redeploy Illinois Oversight Board was established. The Department of Human Services designated a staff person to work with the Board to fulfill its obligations.

### IMPLEMENTING THE PROGRAM

By mid-2004, Redeploy Illinois was operating in four locations: Peoria, Macon, and St. Clair counties, and one 12-county judicial circuit (the 2nd Circuit) centered in Marion, Illinois. At the end of Redeploy's first year, the number of children ordered into secure state facilities dropped by 33%. In one of the Redeploy program locations, the number of youth sent to the state Department of Corrections fell by 56%. Had these children been sent to the Department of Corrections and remained for the average time for youth in their category, the Department would have had to maintain and staff secure beds costing more than \$3 million. Instead, these children remained closer to home, closer to families, under fewer restrictions and away from the most disturbed and serious of youthful offenders who need to be in state facilities. Their needs were met through local juvenile justice services at an estimated increased cost of only \$1.4 million.<sup>2</sup>

## EVALUATION OUTCOMES:

### FEWER YOUTH INCARCERATED AND MORE MONEY SAVED

The 2007 annual report to the Governor and General Assembly indicated that the four pilot sites on average reduced commitments to the state by 44%, a total of 226 fewer youth. Moreover, every \$1.00 spent on Redeploy programs in the community meant the equivalent of \$3.55 in incarceration costs avoided. This equates to an \$11 million saving over 2 years.<sup>3</sup>

### OVERALL STRATEGY AND FUTURE DIRECTION

The expansion of Redeploy Illinois is a part of a larger Illinois strategy to encourage creation of a continuum of services under the John D. and Catherine T. MacArthur Foundation's Models for Change initiative. Redeploy Illinois puts programs that help troubled youth where the youth are, increases the range of programs available for them, and avoids unnecessary and expensive referrals to state correctional facilities for youth who need help. Research shows that youth who receive services in their home community do better than those removed from the community. Services delivered to youth in the community can help them and their families avoid the problems that lead to delinquency and to adult crimes. Redeploy Illinois is one piece of a justice system that aims to be rational, fair, and effective in the way it goes about providing for the rehabilitation of young and troubled offenders.

Moving control over services from the state to the local level represents a significant change in the arrangement of services and resources for youth in trouble. A series of initiatives in the state, including Redeploy Illinois and some site-based pilot projects, seek to demonstrate that:

- Most youth served in their local communities have better long-term positive outcomes than those who are removed from the communities and placed in secure detention or correctional facilities.
- Local communities can organize and govern the allocation of services and resources in a way that maximizes both the quality of the services and the efficient use of resources.

- Over time, the state can benefit from increased public safety and a reduced reliance on law enforcement if youth are given services outside the juvenile justice system and as a part of a continuum of care designed intentionally by the state to reduce incarceration.

### LESSONS LEARNED

Redeploy Illinois is an example of how a successful pilot program can lead to its broader adoption as a model for achieving a reduction in youth confinement and an increase in community-based alternatives. A key to Redeploy's success has been the role of the Oversight Board and its emphasis on data collection and regular formal reporting. Because annual reports have documented a significant reduction in the number of youth sent to corrections and corresponding potential savings, the Illinois General Assembly has been willing to continue and expand the program. The Oversight Board issued planning grants to additional jurisdictions and several new sites will soon be added to the original four. Legislation is pending that would amend Redeploy Illinois' status as a pilot initiative, institutionalizing it as a permanent reform to the state's juvenile justice system.

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- <sup>1</sup> There was a conscious choice made not to have this program housed with the Department of Corrections for several reasons: there were existing prevention, intervention and diversion programs for youth in IDHS which could be complementary, and the IDOC used a security rather than rehabilitative model.
- <sup>2</sup> The per capita cost to incarcerate one juvenile in the Department of Corrections at that time was \$70,827. While the four pilot sites were providing different types of services to meet their population needs, the range of costs to serve youth in the Redeploy pilot sites is approximately \$4,000 - \$6,000 per youth annually for services. The calculations of cost savings were based on average length of stay for those youth who might have been sent for court evaluations or for conviction of a particular crime.
- <sup>3</sup> The state did not realize an actual reduction in incarceration costs because it did not yet close units of youth prisons.



# Chapter 2

## **Implementing the Juvenile Detention Alternatives Initiative in Illinois: A Tough Challenge Leads to a Better System for Youth**

Prior to 1992, large numbers of Illinois youth were detained not for reasons of public safety or because they were a flight risk, but because communities lacked adequate alternatives to detention. And, as in many states, youth of color were drastically overrepresented in the detention population. In the early 1990s in Cook County, for example, over 800 youth were housed in a facility designed to hold a maximum of 490. In other areas of the state, secure detention of status offenders – primarily truants – was growing steadily. Not only were these practices straining an already under-resourced juvenile justice system but, as a result of status offender detentions, Illinois was in danger of losing federal juvenile justice funds for non-compliance with the Juvenile Justice and Delinquency Prevention Act. It was in this context that the Juvenile Detention Alternatives Initiative (JDAI) began in Cook County and then spread to other communities whose leaders believed they could safely and effectively reduce the use of secure confinement without compromising public safety, youth accountability, or system efficacy.

### **THE HISTORY OF JDAI IN ILLINOIS**

The Juvenile Detention Alternatives Initiative (JDAI) was established in 1992 by the Annie E. Casey Foundation in response to the juvenile justice system's shift from a rehabilitative model to a more punitive system. The ultimate goal of JDAI is to reduce the use of secure detention in specific jurisdictions, and ultimately across the country, by relying on eight core strategies: collaboration among key stakeholders, data-driven decision making, objective admissions to detention, community-based alternatives to detention, case processing reforms, strategies for "special" detention cases, reduction of racial disparities, and safe and humane conditions of confinement.

JDAI began as a multi-site initiative in five locations: Cook County in Illinois, Milwaukee County in Wisconsin, Multnomah County in Oregon, New York City in New York, and Sacramento County in California. By 1998, three of the original five sites were still part of JDAI: Cook, Multnomah, and Sacramento Counties. In the past decade, JDAI has expanded rapidly in “replication” sites (vs. “original” sites) and there are currently more than 100 JDAI sites around the country. Cook County has remained one of the most successful JDAI sites in the country, based upon its significant reduction in the use of secure detention and its creation of multiple alternatives to detention accessible to the youth most impacted by the juvenile justice system. In addition to the JDAI continuum, there is a menu of programs that the youth who benefit from the continuum can access to enhance their pre- and post-adjudication experience.

### **RESHAPING THE NOTION OF JUVENILE JUSTICE**

When JDAI was launched, it was in many ways a novel and controversial approach among key players in the juvenile justice system. Cook County was no exception. Although the consensus in Cook County and around the country was that a more practical, cost-effective juvenile system was necessary, the method for achieving such a system was a hot button issue. Media coverage of juvenile crimes across the nation was often sensational, and tended to increase public concern over the perceived threat of an increase in teenage criminal conduct. The Cook County stakeholders were informed on the JDAI philosophy and were willing partners with the Annie E. Casey Foundation. There was a clear consensus among the juvenile justice representatives that change was imperative for the wellbeing of court-involved minors.

### **STRUCTURE OF JDAI IN COOK COUNTY**

One of the core principles of JDAI is collaboration among major juvenile justice agencies and community organizations. A diverse collaborative comprised of individuals with authority in both the community and juvenile justice system will ultimately produce the power structure necessary to implement juvenile justice reform. Cook County began its JDAI reform process with the idea of establishing a collaborative that would have authority over multiple branches of government; as a result, the co-chairs of the collaborative were the Cook County Board President and Chief Judge of the District Court.<sup>1</sup> The selection of

other members of the JDAI Collaborative further sought to achieve the goal of widespread authority, evidenced by the appointment of over sixty individuals representing various administrative, legal, educational, community-based, and rehabilitative (treatment services) groups as well as foundations.

In response to the challenges of the size and structure of the original collaborative, Cook County restructured its governance structure. The new structure involved the creation of an executive board and the development of subcommittees that represented the core strategies of JDAI. The Chief Judge designated the Director of Probation and Court Services, Michael J. Rohan, to be the representative who would lead the initiative. JDAI has found that leadership is a critical component to success. The Juvenile Probation Department coordinated the initiative and continues to sustain that leadership among the juvenile justice partners. In recognition of the achievements of Cook County, the Annie E. Casey Foundation designated the site as a “model site.” In this capacity, Cook County serves as a learning laboratory for other jurisdictions aspiring to produce positive outcomes for youth through the implementation of the JDAI core strategies.

### **DEVELOPING A CONTINUUM OF SERVICES**

All JDAI sites utilize alternatives to detention for youth who can reside in their communities and who do not pose a risk to the safety of those communities or themselves. These alternatives are designed as a continuum to meet the specific and varied needs of the youth in the system.

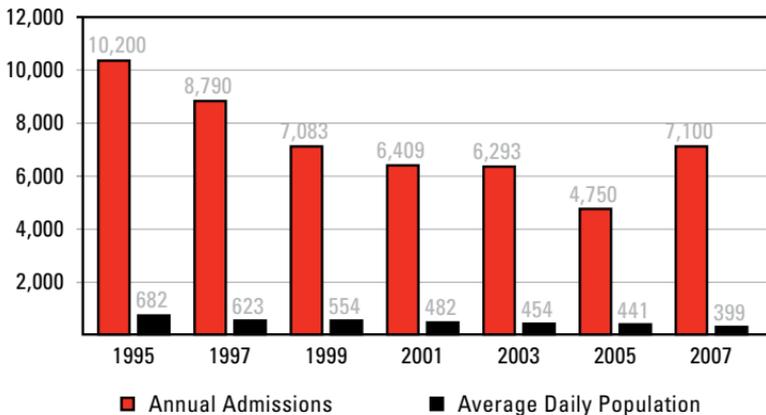
Cook County has been successful with its alternatives to detention programs for youth. Prior to the relationship with the Annie E. Casey foundation and the JDAI initiative, there were no alternatives.<sup>2</sup> There were no options available to decision makers on how to eliminate the usual institutional response to delinquency and replace it with a community response. JDAI enabled the stakeholders in Cook County to understand the importance of alternatives to secure detention from both cost-benefit and effectiveness viewpoints. Cook County’s Juvenile Probation and Court Services developed a variety of programs and initiatives aimed at meeting the needs of system-involved youth at various stages of the court process.

The proposed alternatives were rooted in the philosophy of Balanced and Restorative Justice (BARJ), which is designed to hold youth accountable for wrongful conduct in order to promote public safety, and to ensure that youth remain immersed in their communities in a positive fashion. A continuum of alternatives to secure detention was developed for use in Cook County Juvenile Court proceedings during pre-adjudication through post-dispositional stages and currently includes the following:<sup>3</sup>

- **Community Outreach Supervision** – Court-ordered community based supervision for youth facing possible incarceration upon disposition. Community supervision is typically ordered for a period of forty-five days.
- **Home Confinement** – Youth ordered to secure detention are supervised in their homes by probation staff during the evenings and weekends. The typical period of home confinement in lieu of secure detention does not exceed forty-five days.
- **Evening Reporting Centers** – Community-based programs operated by community agencies that are combined with home confinement for both pre-adjudicated and post-dispositional youth. These youth are typically ordered to serve time in custody as a result of violations of probation or failures to appear before the Court resulting in the issuance of a bench warrant. The Court has the option of converting the youths' in-custody sentence to the Evening Reporting Centers in lieu of secure confinement for a maximum of twenty-one days. There are currently seven Evening Reporting Centers. Transportation is provided to and from the centers. The centers have integrated a diverse curriculum, which is complemented by meals and recreation.
- **S.W.A.P.** – A supervised work program in the community in lieu of secure confinement, which is ordered by the Court for a maximum of thirty days. This program is supervised by the Cook County Sheriff and typically serves youth who have violated the terms of their probation or youth who have completed terms in the juvenile commitment facility and are serving extended time on probation.

- **Electronic Home Monitoring** – Youth are released from secure detention under a special order of electronic home monitoring. This program is supervised by juvenile court probation officers. If a youth is deemed to have violated the terms of the Electronic Home Monitoring, the secure detention order may be reinstated.
- **Staff Secure Shelters** – The target population for temporary shelters is youth who would otherwise be detained in the juvenile detention center (e.g., youth who cannot be successfully placed with a parent or other responsible adult following an order for release from secure confinement) and youth who are ordered into long-term treatment facilities and are within fifteen days of their placement date. At the temporary shelters, services such as educational instruction, recreation, living skills, health instruction, and counseling are provided. Length of stay for youth in the Staff Secure Shelters cannot exceed fifteen days unless the original court order is modified to allow for additional time.
- **Court Notifications** – Written and telephonic contacts at address and phone number of record with all youth who have pending charges, to remind youth and parents/guardians, prior to the court date.

### Cook County Reduces Total Admissions and Average Daily Population in Detention



Source: JDAI Model Site Results Report, 2005.

The creation of the continuum of alternatives has produced a sustained reduction of the detention population in the Cook County Juvenile Detention Center. The programs have reduced the average daily population in the Center by 45%, from 682 in 1995 to 399 in 2007. In 2007-2008 the population was maintained under 400 per day for the first time in a decade. In addition, the rate of re-arrests prior to adjudication for the youth assigned to alternatives has been extremely low: the average rate of success for has been more than ninety percent.<sup>4</sup>

The JDAI Core Strategies provided the framework for deliberate and intentional approaches to system processes, including detention admission decisions, management information systems, and programming. In an effort to identify additional methods for reducing the detention population, Cook County incorporated Disproportionate Minority Contact as a core strategy. The focus on community-specific issues has promoted inclusion of community representation in the development of strategies to reduce the involvement of youth of color in the juvenile justice system. Data collection “through a racial lens” encouraged Cook County’s community-by-community approach to developing strategies that promote safe and expeditious return home of all children involved with the court.

### **SHORTENING THE DURATION OF CASES**

Case processing reforms have also helped reduce detentions in Cook County. JDAI has focused on expediting cases before a juvenile court as a key principle in achieving juvenile detention reform. Reducing the amount of time in which a case is processed helps to reduce the chances that an accused youth will fail to appear for scheduled court hearings. A streamlined case processing system also assists a court in managing its docket in a fashion that allows for close assessment of individual cases to ensure that proper alternatives to confinement are utilized.

Cook County discovered that a major factor in lengthy case processing was the fact that many youth failed to appear (FTA) for their first appearance before the court. Further analysis indicated that many youth in custody at the detention center were there on warrants issued following the initial

FTA. The Executive Committee of JDAI researched the time between the youths' arrests on the initial FTA warrant and the first scheduled court date following the arrest, and discovered that youth were often held for eight or more weeks.<sup>5</sup> Based on this discovery, the court fashioned a remedy to reduce the detention time between arrest and first hearing (appearance) to three weeks. As a result of this change in practice, the FTA rate decreased, allowing for a more expedited case docket and a reduction in the number of youth detained.

Cook County went on to analyze each stage for juvenile cases to determine where delay was occurring and how to address that delay. The stages included: arrest to initial appearance, initial appearance to adjudication, adjudication to disposition, and disposition to placement. By carefully examining the facets of each of these stages, the Juvenile Court was able to craft appropriate remedies to the problems contributing to unnecessary delay. The remedies included:

- Hiring two paralegals to interview juveniles prior to their first appearance, in order to assist attorneys from the Public Defender's Office in presenting appropriate arguments regarding conditions of release and possible plea agreements. This assistance from the paralegals resulted in the release of close to half of the interviewed youth in the six months between December, 1997, and May, 1998.
- Revising the in-custody docket to ensure that the status call hearings are scheduled no more than 15 days after the initial appearance. Cases not disposed of at the status call hearing were set for subsequent hearings a few days later.
- Implementing a simple and effective notification system to ensure that youth who are released pending the disposition of their cases are notified of upcoming court hearings. This system has had a substantial impact on reducing the FTA rate.

- Expanding the use of juvenile detention alternatives to certain youth whose cases fall under those automatically charged in adult criminal proceedings, and expediting the processing of reverse waiver cases to the Juvenile Court.

This list of case processing innovations is not meant to be all-inclusive, nor does order indicate priority. The site continues to explore opportunities to further reduce the length of time from arrest to disposition.

### **DIFFUSING JDAI ACROSS ILLINOIS:**

Cook County's success in reducing detention admissions and developing a comprehensive continuum of alternatives was a major achievement. Cook County, however, is unique in Illinois in terms of its size, structure, and resources. If the principles of JDAI were to spread across the state, it would require new leaders, partnerships and approaches. Fortunately, that is what has occurred. Today there are JDAI sites in over one-third of the state's counties. While the leadership, strategies and needs vary among the Illinois JDAI sites, each site has taken fundamental strides to reduce unnecessary detention and improve outcomes for youth, families and communities. The diffusion of JDAI was the result of an unprecedented collaboration among local, state and national stakeholders:

- Illinois Juvenile Justice Commission: Funding for the expansion of JDAI has come principally from the Juvenile Justice Commission. As a result, Illinois drastically reduced detention of status offenders, regained compliance with the federal Juvenile Justice and Delinquency Prevention Act, and assumed a leadership role in national efforts to reform detention policy and practice.
- Illinois Department of Human Services: IDHS has invested in a wide range of delinquency prevention and intervention services for high-risk youth. IDHS, in collaboration with the Administrative Office of the Illinois Courts, also administers and supports the state's detention data system (JMIS) which enables real-time reporting of detention admissions and facilitates state and local analysis of detention usage trends.

- Administrative Office of the Illinois Courts: As the administrative arm of the Illinois Supreme Court, the AOIC has worked with state and local probation departments and has provided leadership, training resources, and other support for policy and practice reform throughout Illinois.
- Illinois Criminal Justice Information Authority: As the state's designated Statistical Advisory Center, ICJIA plays a key role in helping state and local stakeholders make informed, objective, data-driven decisions.
- Youth Network Council: YNC is a statewide membership organization of youth-serving agencies. YNC has served as a fiscal agent for JDAI grants, provided administrative support, coordinated training, and published materials on and for the Illinois JDAI community.
- Illinois Probation and Court Services Association: IPCSA is Illinois' membership organization for probation and detention directors, supervisors and line staff. Beginning with an award from the Casey Foundation, IPCSA has played a lead role in supporting detention reform efforts through training, communication and technical assistance.
- Cook County Model Site Leaders: The lessons learned and expertise honed by the leaders of Cook County's successful JDAI projects have inspired and informed work in multiple sites across the state.
- Annie E. Casey Foundation: The Foundation's ongoing support for training, technical assistance, staff resources, publications and conferences in Illinois JDAI sites has been a key component in Illinois' efforts to reduce detention usage and reform systems.

## LESSONS LEARNED

Although the formal "program grants" are ending in Cook County and the other JDAI sites, JDAI has become institutionalized in Illinois. This is perhaps the most striking lesson of JDAI. Progress is incremental and the need for continued improvement is never really "over." But once sown, the

seeds of strong local governance and a statewide commitment to improving outcomes for our most vulnerable youth are hardy. The impact of JDAI in Illinois is proving to be far greater than the sum of the dollars invested.

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<sup>1</sup> Kathleen Feely, *Collaboration and Leadership in Juvenile Detention Reform*, JDAI Pathways to Detention Reform (1999), pg. 19.

<sup>2</sup> Rochelle Stanfield, *The JDAI Story, Building a Better Juvenile Detention System*, JDAI Pathways to Detention Reform (1999), pg. 7.

<sup>3</sup> Juvenile Probation and Court Services Department, Circuit Court of Cook County, *Summary of Probation and Court Services Programs and Initiatives 2007*, pgs. 12 and 16.

<sup>4</sup> "Keeping youths out of detention is key priority for court," letter to the Editor of the Chicago Daily Law Bulletin from Chief Judge Timothy C. Evans, Cook County Circuit Court, Feb. 3, 2004.

<sup>5</sup> D. Alan Henry, *Reducing Unnecessary Delay, innovations in case processing*, JDAI Pathways to Detention Reform (1999) pg. 16.



# Chapter 3

## **Challenging Automatic Transfer in Illinois: Research and Advocacy Working Together for Change**

Motivated by public perceptions of an increase in violent juvenile crimes, in the early 1980s many states began mandating that certain offenses be tried in adult rather than juvenile court. In 1985, Illinois enacted legislation requiring the automatic transfer of 15- and 16- year-olds accused of certain drug offenses within 1,000 feet of a school or public housing. During the 20 years that this law was in effect, thousands of youth, mostly youth of color, were transferred to adult court for low-level nonviolent drug crimes. This trend was reversed in 2005 when Illinois returned all drug offenses to the original jurisdiction of the juvenile court. In doing so, Illinois reinforced its reputation as a leader in juvenile justice reform by embracing a principle at the core of the juvenile court from its beginning – children in conflict with the law are developmentally different than adults and the decision to try a youth in adult court must be made on an individualized basis.

### **THE HISTORY, EFFICACY AND CONSEQUENCES OF JUVENILE TRANSFER LAWS**

Although all states permit youth to be tried as adults in some cases, the nature and scope of these laws vary by state. Traditionally transfer was permitted only after a juvenile court judge determined that a youth should be tried in adult court. The range of transfer mechanisms has since grown and now includes various forms of judicial, prosecutorial and legislative transfer. Although the premise behind the adult prosecution of minors is that public safety will be enhanced if certain youth are tried and sentenced as adults, emerging research suggests that the opposite is true. A recent study by the Center for Disease Control and Prevention (CDC), for example, found that youth transferred to adult court are almost twice as likely to re-offend

as those who are tried in juvenile court for the same type of offense with similar records.<sup>1</sup> When they do recidivate, they are more likely to commit increasingly serious offenses and at a faster rate. Opponents of automatic transfer laws also cite the negative collateral consequences of trying youth as adults. An adult conviction for a drug crime, for example, makes a youth ineligible for federal financial aid for education and vocational training. Youth convicted of drug offenses lose their right to live in public housing, and foster parents are not allowed to have convicted drug offenders in their homes. Employment opportunities for convicted felons are severely limited. In addition, under current Illinois law a youth who is automatically transferred to adult court may never again return to the juvenile court even if he or she is not convicted of the crime.

### **CHALLENGING ILLINOIS' AUTOMATIC DRUG TRANSFER LAW**

In the late 1980s and early 1990s, a series of studies examined the impact of automatic transfer policies in Illinois. A 1988 report from the Chicago Law Enforcement Study Group, for example, concluded that automatic transfer was ineffective in controlling serious juvenile offending and recommended changes to the law. In the 1990s, research studies validated a growing concern among juvenile justice advocates that an increasing number of youth were subject to automatic transfer. The majority of these youth received adult probation without any specialized services to address their needs. Alarming, these reports consistently documented the fact that Illinois' drug transfer law had a disproportionate impact on minority youth.

In the early 1990s, Illinois' automatic transfer law was challenged in the courts on equal protection grounds. Challengers argued that the law was inherently unfair because it targeted behavior around public housing occupied almost exclusively by low-income minorities. A Cook County judge, presented with statistics showing that no white youth had ever been charged with an automatic drug transfer offense, agreed and declared the 1000-foot transfer statute unconstitutional. That decision, however, was later reversed by the Illinois Supreme Court.

### THE PUBLIC DEFENDER'S OFFICE IMPLEMENTS A JUVENILE TRANSFER ADVOCACY UNIT

In 1998, the Law Office of the Cook County Public Defender, through a grant from the Illinois Criminal Justice Information Authority, developed an advocacy unit to work with the youth automatically transferred to the adult court. Social workers and paralegals in the new Juvenile Transfer Advocacy Unit (JTAU) provided direct service to youth and families and also conducted research on the state's drug transfer law. This research ultimately played a pivotal role in Illinois' decision to change course and return all drug offenses to the jurisdiction of the juvenile court.

Liz Kooy and her colleagues in the JTAU spent nearly 1000 hours amassing and analyzing data on automatically transferred youth. By examining such factors as offense, race and ethnicity, gender, previous court involvement, family history and police district, a detailed picture began to emerge. Between October, 1999 and September 2000, for example, the JTAU found that:

- 393 Cook County youth were automatically transferred
- Over 99% were youth of color
- 66% were charged with nonviolent drug crimes
- 39% had no previous referrals to juvenile court prior to the automatic transfer
- 61% had no previous services in juvenile court prior to the automatic transfer
- 37% had their cases dismissed in adult court
- 74% of the remaining cases received adult probation rather than incarceration
- Only two youth outside Cook County were automatically transferred for a drug offense

### BEGINNING OF THE CAMPAIGN: LOCAL AND NATIONAL PRESENTATIONS OF THE STATISTICS

Armed with these data, juvenile justice advocates began a campaign to amend Illinois' drug transfer law. Led by the Juvenile Justice Initiative (JJI), advocates asked State Representative Barbara Flynn Currie to

sponsor a bill to remove all drug offenses from the automatic transfer statute. House Bill 1028 sparked debate within the legislature and also increased public awareness of the one-sided impact of the automatic transfer statute. JJI organized a broad coalition of supporters, including the League of Women Voters, Illinois State PTA, Illinois State Bar Association, and ACLU of Illinois. Their message was consistent – Illinois transfer policies were racially biased, unnecessary and unfair. National organizations and coalitions such as Building Blocks for Youth also weighed in. Building Blocks and its partner, the Justice Policy Institute (JPI), issued a report on Illinois’ drug transfer law entitled *Drugs and Disparity – The Racial Impact of Illinois’ Practice of Transferring Young Drug Offenders to Adult Court*. The report concluded that Illinois had the most racially-biased transfer law in the nation. The report and its findings received extensive press coverage, including articles in the *Chicago Tribune*, *USA Today*, *St. Louis Dispatch*, *Washington Post*, *Denver Post*, *Chattanooga Times*, and *Pittsburgh Post-Gazette*.

Although these efforts received widespread attention, they ultimately failed to generate sufficient support in the legislature to change the law. Changing tack, Representative Currie introduced House Bill 4129 which allowed for reverse waiver for *all* automatic transfer offenses. Under the bill, a youth automatically charged as an adult could move for a hearing in criminal court to request transfer back to the juvenile court for trial and sentencing. The bill was modified throughout the legislative session to limit its application to non-Class X drug offenders. HB 4129 passed with bi-partisan support and took effect on January 1, 2003.

### REFORM THROUGH COLLABORATION

Although juvenile justice advocates supported the reverse waiver law, they continued their efforts to return original jurisdiction to the juvenile court over all non-violent drug offenses. In 2004 the Illinois General Assembly created the Task Force on Trial of Juveniles in Adult Court to study and make further recommendations on automatic transfer. Task force members included legislators, a prosecutor, a juvenile justice professional, a state bar leader, and a corrections official. The task force

heard testimony from national experts on adolescent development and transfer policies, and from a wide range of stakeholders, including victims of juvenile crime. On August 12, 2005, the Governor signed into law Public Act 94-0574, repealing Illinois' automatic transfer law for drug offenses.

The new legislation called for a study on the effect of the new law. The results of that study were recently released in a new report, *Changing Course: A Review of the First Two Years of Drug Transfer Reform in Illinois*.<sup>2</sup> The first year after the drug transfer law was passed, the number of youth automatically transferred in Cook County went down by approximately two-thirds, from 361 in 2003 to 127 in 2005 -2006. This same rate of reduction held steady in the second year. In neither year was there an increase in juvenile court petitions or judicial waivers to adult court, suggesting that the rollback of Illinois' drug transfer law had no negative effect on public safety.

### LESSONS LEARNED

The campaign to reform Illinois' automatic transfer statute faced two major hurdles. First, supporters of the law argued that any change in the law would be "soft on crime." Illinois advocates successfully countered this charge by showing that most automatic transfers were for non-violent offenses and transferred youth typically received probation with no specialized services. A second impediment to change was the complexity of Illinois' transfer scheme. By providing educational resources to legislators, advocates were successful in breaking down the law to its essentials and emphasizing the most important points, particularly that they affected only youth of color. Ultimately, the successful challenge to the transfer laws resulted from the efforts of many groups and individuals. Critical components in the effort included empirical research, strong legislative leadership, and effective advocacy on the part of the juvenile justice reform community as well as from youth, families and communities most affected by the law.

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<sup>1</sup> Campaign for Youth Justice, *The Consequences Aren't Minor*, 6, 14, available at [www.campaignforyouthjustice.org/Downloads/NEWS/National\\_Report\\_consequences.pdf](http://www.campaignforyouthjustice.org/Downloads/NEWS/National_Report_consequences.pdf).

<sup>2</sup> *Changing Course: A Review of the First Two Years of Drug Transfer Reform in Illinois*, available at [www.modelsforchange.net](http://www.modelsforchange.net) (2008).



# Chapter 4

## **The Cook County Juvenile Court Clinic: Forging the Link Between Clinical Information and Improved Outcomes for Youth**

A fair and effective juvenile justice system recognizes that each youth has different strengths, needs, and life circumstances that must be individually assessed and addressed by decision-makers. When judges and others have access to high quality clinical information they are able to make informed judgments that improve outcomes for youth and advance the goals of the juvenile justice system. A system that provides timely and accurate clinical information is particularly important now, given the growing body of research documenting the high percentage of youth in the juvenile justice system who have unaddressed mental health needs.

The Cook County Juvenile Court Clinic is a multidisciplinary forensic clinic that provides judges with the clinical information they need to make informed decisions in juvenile justice and child protection proceedings. The Clinic's mission is to ensure that clinical information is relevant, timely, accurate, culturally sensitive, and appropriately used. The Clinic's other activities include training and education on issues related to mental health information and court proceedings, resource consultation on community-based mental health services, and program evaluations that monitor the Clinic's operations and provides data for research and development.

### **HISTORY: A RESEARCH PROJECT LEADS TO DEVELOPMENT OF A NEW APPROACH FOR ACQUIRING AND USING CLINICAL INFORMATION**

In 1995, the Chief Judge of the Circuit Court of Cook County, Donald P. O'Connell, asked the Clinical Evaluation and Services Initiative (CESI) to conduct a comprehensive evaluation of how the Cook County Juvenile Court obtained and used clinical information. CESI was a joint effort of the Chief Judge O'Connell, the John D. and Catherine

T. MacArthur Foundation, Northwestern University School of Law, and the University of Chicago Department of Child and Adolescent Psychiatry. In a multi-year effort, CESI researchers gathered information from key stakeholders, including judges, lawyers, probation officers, caseworkers, clinicians, and experts in the fields of juvenile justice and child protection. They used a variety of evaluation methods, including structured interviews, analysis of approximately 1300 Juvenile Court case files, court observation, a descriptive study of the existing program, and qualitative analysis of clinical evaluations performed on youth in juvenile justice proceedings and parents and children in child protection cases. The final report revealed that the existing system for acquiring and using clinical information suffered from a range of problems, including timeliness, relevance, quality, and cultural sensitivity.

In 1999, the Chief Judge endorsed CESI's findings and recommendations, pledged to implement a new court clinic based on the model recommended by CESI, and published a report that documented the evaluation. As a first step, the Chief Judge authorized CESI to conduct a pilot of its proposed model in selected Juvenile Court courtrooms. The pilot provided a valuable opportunity to test the model, to make modifications, and to develop policies, procedures and the infrastructure needed to take the pilot to scale. In June, 2003, the Chief Judge requested that CESI assume responsibility for implementing its model on a court-wide basis as the new Cook County Juvenile Court Clinic.

### **IMPLEMENTING THE MODEL**

The Cook County Juvenile Court Clinic model assumes that an effective clinical information system must do more than conduct clinical evaluations. The Clinic's operation, therefore, is divided into five discrete but inter-related functions: clinical coordination; education and training; resource identification and consultation; program evaluation; and clinic administration. Although the Clinic's staff have distinct responsibilities, they are not "siloes" within one of these areas and are involved in a variety of activities across designated functions.

### Clinical Coordination

Clinical coordination is the term used to describe a range of activities designed to assist judges, lawyers, probation officers, and caseworkers to request and obtain useful clinical information in Juvenile Court proceedings. These activities address the constraints identified in CESI's original research, including vague referral questions that in turn produced generic clinical responses, inappropriate requests for clinical evaluations, untimely receipt of requested information, and insufficient communication between providers (clinicians) and consumers (judges, lawyers, probation officers, and other court-based personnel) regarding clinical information.

A significant innovation of the Cook County Juvenile Court Clinic is the assignment of clinical coordinators in each courtroom. Clinical coordinators are master's level professionals in social work, psychology or related fields who also receive training on court proceedings and relevant legal issues. They work under the supervision of doctoral level Clinical Directors and serve as neutral facilitators who guide judges, lawyers and other court personnel ("the parties") on clinical issues that arise in Juvenile Court proceedings.

Once a clinical coordinator is contacted by any of the parties about the possible need for clinical information, the clinical coordinator meets with them to determine whether clinical information is needed and the most appropriate sources of the needed information. This process encourages early discussion among the parties, helps ensure a timely response to information needs, and screens out unneeded assessments.

If new clinical information is needed, the clinical coordinator documents the request in a standard format designed to focus on relevant information and generate a clearly articulated and individualized request that will enable the clinical provider to give a tailored response to the particular case. The clinical coordinator serves as the contact person for all parties during the process.

Requests for clinical information fall into two categories: requests involving service provision and requests for “forensic” information, i.e., information that the judge will use to make legal decisions. If the request is for a forensic evaluation, the case is immediately directed to an intake worker, who meets with the youth and/or parents to gather basic information and to obtain signatures for release of records. A clinician is assigned on the day of intake and a clinical interview takes place within two weeks. Most evaluations are conducted by a Clinic psychologist. Clinicians use assessment methods and report formats based on a clinical “best practice” model designed to provide complete and accurate information to court personnel in an understandable fashion.

### **Resource Consultation.**

The Clinic does not provide clinical intervention services. Instead, the Clinic responds to requests for service provision by providing information on community-based services. To implement this process, the Clinic regularly gathers information on community clinical mental health intervention resources. This information is then entered and updated in an interactive data base. The ability to provide current information about community-based providers enhances the Court’s ability to implement recommended services.

### **Education and Training**

The Clinic provides education and training for consumers of clinical information, including judges, lawyers, probation officers and caseworkers. The goal of these trainings is to explain the Clinic’s operation and services, facilitate access to its services, and help consumers to understand and analyze the clinical information they receive. The Clinic also provides training for its own staff on Juvenile Court proceedings and the legal framework in which clinical information may be used.

### **Program Evaluation**

As a way of fostering program accountability and responsiveness, the Clinic carries out an ongoing monitoring and evaluation process designed

to measure the Clinic's performance, including the quality, adequacy and utility of clinical information provided to the Juvenile Court. Program evaluation also supports strategic planning and research.

### **Clinic Administration**

In order to promote efficiency and effectiveness, the Clinic has developed clearly defined policies, procedures and practices. These include personnel and information management systems as well as systems for collaboration and cooperation between the Clinic, the Juvenile Court, and the multiple entities involved in Juvenile Court proceedings. The Clinic has a centralized communication structure to foster coordination among its multiple functions.

### **FUNDING**

At present the Cook County Office of the Chief Judge provides approximately 70% of the funding for the operation of the Juvenile Court Clinic. The Office of the Chief Judge also contributes staff to the clinic, including six full-time psychologists, two social workers and a receptionist (administratively housed in the Cook County Probation and Court Services division). The John D. and Catherine T. MacArthur Foundation has provided additional funding for the development of a community-based mental health resource database, the Clinic's program evaluation work, a forensic post-doctoral fellowship position, and various dissemination and technical assistance projects. Northwestern University School of Law contracts with the County to operate the Clinic and serves as the Clinic's fiscal agent.

### **LESSONS LEARNED**

Several elements have come together to contribute to the success of the Clinic. First, court personnel have affirmatively embraced the value of clinical information, and judges have played a leadership role in supporting the Clinic's goals and operation. Second, the Clinic is located in the Juvenile Court itself. Its location promotes ongoing communication and interaction among interdisciplinary system participants and creates

a dynamic environment that can respond quickly to research findings and evolving needs. Finally, the Clinic benefits from its unique public-private partnership in which the academic and clinical communities work with the Juvenile Court to advance their common goal of ensuring that judicial decisions are made based on the best available clinical information.

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# Chapter 5

## **Using a Data-Driven and Public Education Approach to Reducing Disproportional Minority Contact**

Reducing the disproportionate impact of the juvenile justice system on youth and communities of color has long been a goal for Illinois' juvenile justice leaders. In 2002, Illinois began making strategic investments in targeted disproportionate minority contact (DMC) reduction activities through the Illinois Juvenile Justice Commission. The Commission, which receives staffing and other support through the Department of Human Services, oversees Illinois' federal juvenile justice funding as the State Advisory Group designated pursuant to the Juvenile Justice and Delinquency Prevention Act. Today IJJC-supported DMC reduction work is taking place in seven Illinois communities, with national models emerging and diffusing to other communities within the state and across the nation. The Commission supports a full-time statewide coordinator to oversee all of its DMC efforts.

### **ASSESSING THE SCOPE OF THE PROBLEM**

In its 2005 Annual Report to the Governor and General Assembly, the Commission reiterated that "DMC is one of the greatest challenges facing Illinois," and used the Illinois Criminal Justice Information Authority's (ICJIA) data analysis to underscore the magnitude of the problem. African-American youth comprised approximately 18% of Illinois' youth population (ages 10 – 16), but made up 57% of youth arrests and 41% of youth held in secure detention. In Illinois' juvenile correctional facilities, African-American youth were 52% of the population. Further, ICJIA's data analysis found patterns of disproportionality in communities across the state with a measureable minority youth population. While Latino youth are also likely to be overrepresented at the arrest, detention and incarceration stages,

the state's data systems could not produce similar statistics by ethnicity. And although the broad data sets available demonstrated the scope of the DMC challenge in Illinois, the state lacked the capacity to disaggregate data by race and ethnicity and conduct more detailed, in-depth analysis.

### **DEVELOPING DATA CAPACITY**

Beginning in 2002, the Commission, the Department of Human Services, the Center for Prevention Research and Development at the University of Illinois, and the Administrative Office of the Illinois Courts forged a partnership aimed at improving the state's detention data. The Commission and DHS devoted financial resources to develop an electronic Juvenile Management Information System (eJAMIS), a web-based management information system which captures well-defined data on each secure detention admission across the state. As a result of this investment, ICJIA can now pull data from the web-based system and conduct detailed, timely analyses of detention trends for the state as a whole and for individual communities as well. Unfortunately, Illinois still faces challenges in gathering, analyzing and using data – including race and ethnicity data -- at many other stages of the juvenile justice system, including at arrest, court referral, and commitment to the Department of Juvenile Justice.

### **IDENTIFYING PROMISING APPROACHES: THE BURNS INSTITUTE MODEL**

While flawed, the data clearly indicated a pressing need to develop practical, community-based approaches to reducing DMC. The Commission redoubled efforts to improve data collection methods among local law enforcement agencies, provided ongoing funds to support state and local DMC data evaluation projects, supported state and local policy changes to improve data collection and analysis, directly funded data evaluation projects, and underwrote delinquency prevention and intervention efforts in communities with documented disproportionality.

Finding a proven strategy for reducing DMC, however, remained difficult. After careful study, DHS and the Commission identified the model

developed by the W. Haywood Burns Institute, which is based in San Francisco. The Burns Institute was formally established in 2001 to “protect and improve the lives of youth of color, poor children and their communities by ensuring fairness and equity throughout all public and private youth-serving systems.”<sup>1</sup> The Burns Institute DMC reduction model offers an effective framework for committed communities to examine whether and where in the local juvenile justice system disproportionality is occurring. The model then utilizes a data-driven approach to determining why disproportionality may be occurring and offers stakeholders the tools to develop locally-appropriate ways to address disproportionality.

To implement the “Burns Model” in Illinois, the Commission identified 19 counties/communities with the highest rates of disproportionality, based on detention numbers and other DMC indicators. Four areas were selected from that group: St. Clair County, Peoria County, South Suburban Cook County, and the Chicago community area of Lawndale. The Commission provided these communities with funds to function as pilot sites for Illinois’ DMC reduction initiative. Each site has utilized the Burns Institute model core components, which include:

- Convening a diverse group of local stakeholders with the commitment, authority and determination to undertake system analysis;
- Hiring and supporting a project coordinator familiar with the dynamics and needs of the community and with the credibility and skills necessary to lead the advisory group through the difficult process of examining DMC;
- Developing a clear map or description of the juvenile justice system policies, practices and resources in that community; and
- Gathering, analyzing and using local juvenile crime data by race, offense, location and time to develop maps of “hot spots” for juvenile crime and the need for community-based resources and, in accordance with federal regulations established by OJJDP in 2005, collecting data across the nine decision points of the juvenile justice system;

- Listening to youth from the community and their perspectives on what is needed to improve the quality of their lives, reduce the incidence of juvenile crime and increase reliance on community-based approaches; and
- Developing practical, local, community-driven strategies to address the causes of disproportionality, as revealed by this process.

Based on further “site readiness” assessments conducted by the Burns Institute and the IJJC, three additional sites have since been funded for targeted DMC efforts, including Macon County, the Englewood community area in the City of Chicago, and Sauk Village. Today, the work in each of the original four and three new DMC sites continues. The lessons learned – what works, what doesn’t, and why – are being harvested for diffusion to other communities and other juvenile justice reform efforts. In addition to this targeted and intensive DMC effort, reducing disproportionality and ensuring fundamental fairness are key goals of each of the other juvenile justice reform initiatives underway in Illinois, including Redeploy Illinois, the Juvenile Detention Alternatives Initiative, Balanced and Restorative Justice projects, and the Illinois Models for Change Initiative.

## LESSONS LEARNED

Illinois has made significant strides in addressing DMC in recent years. State and local stakeholders are much more aware of the existence and scope of disproportionality at each stage of the juvenile justice system and are committed to developing practical strategies to reduce that disproportionality. Although still incomplete, Illinois juvenile justice system data has improved – particularly at the stages of court involvement, detention, and sentencing. Through the Administrative Office of the Illinois Courts and the Illinois Department of Human Services, Illinois has implemented the Youth Assessment Screening Instrument (YASI) in probation departments and youth service providers across the state to require evidence-based, objective assessment of youth needs and areas of risk and to support fair, objective decision-making and service provision. A model web-based case management system has been developed in

the 2<sup>nd</sup> Circuit that captures race and ethnicity data in a form that permits policymakers to make informed judgments about the needs of individual youth in their communities. Peoria significantly reduced disproportionate referrals of youth of color to the juvenile justice system by principals and teachers through working with the school system to strengthen school-based conflict resolution protocols.

Despite this progress, and like most other states, Illinois still has much work ahead. As the Commission's 2005 report to the Governor and General Assembly notes, "Illinois still faces a host of issues before it can effectively reduce DMC throughout our state. The challenges cut across systems and communities and have implications for the scope of our collective task in addressing this complex issue." DMC reduction efforts will become widespread and sustainable only with marked improvement in data recollection and reporting, with a deeper understanding of why youth of color are disproportionately pulled into our justice system and a deeper commitment to addressing those causes, and increased investment in effective community-based resources which prevent and provide alternatives to justice-system involvement, detention and incarceration. Fortunately, Illinois continues to pursue these reforms and has developed strong partnerships capable of seeing them realized.

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<sup>1</sup> See [www.burnsinstitute.org](http://www.burnsinstitute.org).



# Chapter 6

## **Structural Changes for Reform: The Illinois Department of Juvenile Justice**

Over thirty states have separate corrections systems for juvenile and adult offenders, reflecting the different nature and needs of incarcerated youth. Although this had once been the case in Illinois, several decades ago the two divisions were consolidated, with increasingly negative consequences for the small percentage of youth in the overall Department of Corrections (DOC) population. In 2003, shortly after the election of Governor Rod Blagojevich, a diverse group of advocates approached his Policy Director to discuss the treatment of juveniles in the Illinois DOC and to present a case that youth should be treated differently from adults. Over the course of several meetings, the group shared information about the transformation of the Illinois juvenile division from a separate entity dedicated to rehabilitation in the 1960s to an “adultified” division in DOC with an emphasis on containment and punishment.

The data collected and presented at those meetings indicated that the division had been altered organizationally and substantively. In prior administrations, the Juvenile Director had reported directly to the Director, similar to the Director of Adult Services. In the revised organizational structure, the Director of the Juvenile Division was buried deep in the agency and had no direct reporting relationship. Substantively, the mission of the division had changed and many of its previously independent support units had been absorbed into adult functions, including the placement and parole units and education. As a result, these functions were no longer operated by people who recognized the need for special treatment for youth, nor were they trained in how to deliver services to youth. In addition, the physical

facilities in which youth were housed had morphed from campus-like homes to more prison-like buildings, ringed with as many as three barbed-wired fences, topped with razor wire. Living space was transformed from dorm-like rooms to prison-like cells, and the use of harsh punishment and solitary confinement was commonplace.

Over the course of these meetings, the Policy Director shared data that suggested that the juvenile population was not growing as quickly as prior administrations had projected.<sup>1</sup> There were unopened prisons and at least one building designed as a maximum security facility was being used as a transition center. There was evidence of frequent recidivism, a large percentage of which was for parole violations, suggesting that treatment and services in the facilities were not helping youth change their behavior and also that the adult-model aftercare system was not providing an adequate structure for youth.

The Juvenile Justice Initiative (JJI) identified Missouri as a possible model upon which to base a reformed juvenile corrections system in Illinois. (Ironically, Missouri had created a separate juvenile entity at about the same time that Illinois consolidated its adult and juvenile systems.) JJI sponsored trips to Missouri for Illinois policy-makers, including legislators, influential members of the media, and advocates. At the same time, advocates began gathering data and photographs comparing the Illinois and Missouri youth correctional systems. While the states were adjacent, and arguably the youth from St. Louis were not so different from those in Chicago, the comparative data were striking. Missouri had regional placements in campus-like settings, encouraged and facilitated connections between youth and their families and communities, used peer discipline, provided strength-based services and education, employed workers who were professionally educated and continually trained in best practices in youth development, and employed “trackers” who assisted youth returning to their communities to help them stay on track and out of confinement once

they had earned release. Although the number of youth coming into both systems and the size of their staffs and budgets were similar, the results in terms of recidivism were staggeringly different: Missouri's recidivism rate was 8% while Illinois' was close to 40%. Missouri youth were leaving to attend schools and take jobs while little was known about Illinois youth or their post-release outcomes.

### THE ROAD TO CREATING A SEPARATE DEPARTMENT

Over the course of about eighteen months, the Governor's Policy Director became the Assistant Director of DOC and, in that role, began to respond administratively to the concerns of the advocacy group. In an effort to keep youth close to families and communities, facility assignments were regionalized. Wardens of the youth facilities traveled to Missouri to observe that system. Meanwhile, Chicago Metropolis 2020 drafted a basic bill, creating a separate youth department. The legislation was intended to redesign the mission as well as upgrade the quality of the services delivered to youth in order to help them become productive Illinois citizens. The bill passed out of the Senate Judiciary Committee with a near unanimous vote. The Governor's Office, however, had lingering reservations about creating a separate department. At the request of the Governor's Office, the advocates did not move the bill, with the promise that the Governor's Office would work with the advocates to agree on some further action.

During the next year, there was little activity from either the Governor's Office or the DOC on the issue of a separate department. The advocates were unable to engage members of the administration in discussions about the bill.<sup>2</sup> In addition, the American Federation of State, County and Municipal Employees (AFSCME), which represented an overwhelming number of DOC employees,<sup>3</sup> opposed the concept, concerned that job status and tenure would be jeopardized by the creation of a new department.

Late in the 2005 General Assembly session, the bill was reintroduced. Data comparing the Illinois and Missouri systems and addressing the questions raised by the union opponents were presented in one-page informational sheets and a set of white papers which were distributed to legislators and to members of the media, who began following the progress of the bill. The bill moved from the Senate to the House with some continuing opposition from the Governor's Office and the labor union. A number of newspapers in the state published editorials, and there was also a series of news stories describing the proposed new department and its mission. All the media clippings were distributed to the legislators and advocates, and the coalition supporting the bill grew to a significant list of organizations.

In the waning days of the session, the sponsor was confronted by the labor representatives and agreed to hold the bill and not call for a vote on it until the fall "veto session" in order to try to iron out some of the concerns of the union members over the summer. It was recommended by Representatives in the House that a work group meet over the summer to examine the issues, refine the language of the bill and address the labor union members' concerns. Over the summer of 2005, a work group composed of legislators, advocates, state government policy-makers and union members met at least monthly, supported by a series of committees which met more regularly.<sup>4</sup> The group also heard from national experts, either in person or by conference call, about successful initiatives and departments in other jurisdictions. In addition, legislators visited Illinois facilities and spoke to employees and juveniles housed there. There were also public hearings at which opponents and proponents gave testimony on the concept of the new department.

A draft bill emerged which included a strong statement about the mission of the department, emphasizing individualized treatment for youth and the importance of effective case management to insure their reintegration into the community after release. In addition, there

were provisions requiring educational minimums for employees, including a B.A. degree in a related field. All existing employees were grandparented in, regardless of educational background. The bill moved the separate school district which exists in Illinois for all DOC inmates into the new department. There were provisions which stipulated that a strategic plan should be developed for the department and which mandated the creation of a citizens' advisory board, the purpose of which was to work with the director to help craft that plan and annually to assess the success of the department in accomplishing it. An element incorporated from the original bill was a cap on the budget, holding it at the level of the prior fiscal year for one year; this was done to allay concerns that the department would cost more when it was separated. In addition, the Governor's Office was interested in piloting a new concept – shared services – which meant having such functions as personnel, budget, legislative liaison and research shared between the current DOC and the new department. This concept was included in the bill creating the new agency.

### **CREATION OF THE NEW ILLINOIS DEPARTMENT OF JUVENILE JUSTICE**

In the “veto session,” the bill passed overwhelmingly in both houses of the General Assembly and was signed by the Governor immediately, with an effective date of July 1, 2006. The new Department's mission is to “provide treatment and services through a comprehensive continuum of individualized education, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive and fulfilled citizens.” A transition team was created shortly after the passage of Public Act 94-0696. Its purpose was to prepare a blueprint for implementation for the new department and to assist in the development of a job description for the Director, as well as circulating the description and identifying possible candidates. The transition team consisted of legislators, many of the advocates for the new department, and representatives of the juvenile and adult divisions of DOC, both

managers and union members. The transition team was staffed by representatives of the Governor's Office of Management and Budget, the Juvenile Division of DOC, the Department of Children and Families Services, the Juvenile Justice Initiative, and Chicago Metropolis 2020. The transition team and its committees met over the months before the department became operational and developed a series of short and longer term recommendations about operations in four domains: training, program/treatment, aftercare, and shared services.

Adoption of the transition team's recommendations has been slow for a variety of reasons, including delay in appointing a permanent director, a limited budget and a shortage of staff. Nonetheless, many important changes have occurred. The use of solitary confinement as a disciplinary tool has declined. The Department received funding to develop a master plan, position descriptions have been rewritten to conform to the design of the new department, and a set of aftercare principles has been drafted. Recently an Advisory Board was appointed, charged with overseeing the progress of the Department of Juvenile Justice and advocating for the resources it needs to fulfill its ambitious agenda.

### LESSONS LEARNED

Juvenile corrections reform in many states has come about only as a result of expensive lawsuits. Illinois used a different model, one that was built on research, modeling, and bi-partisan support. Nonetheless, shifting DJJ's culture from an adultified security-based system to an adolescent development-based model is a complex process that requires strong leadership, adequate resources, transparency, and a shared sense of mission. With the ongoing support of the MacArthur Foundation and the goodwill and hard work of the Department, Advisory Board, and Illinois juvenile justice stakeholders, there is optimism that Illinois is on the path to a model system of juvenile corrections.

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<sup>1</sup> The projected 2005 population had been 2600, but the actual population was considerably lower.

<sup>2</sup> The inattention was caused in part by change in personnel in the Governor's Office as well as the fact that the General Assembly session went beyond its scheduled adjournment date.

<sup>3</sup> There was a small group represented by the Fraternal Order of Police.

<sup>4</sup> The group was staffed by the Governor's Office of Management and Budget, the Department of Corrections, the Juvenile Justice Initiative and Chicago Metropolis 2020.

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Systems Reform in Juvenile Justice

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