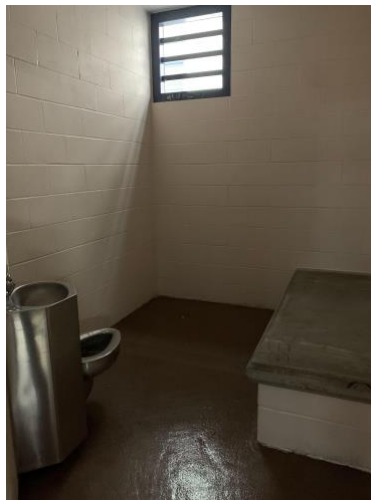




THE URGENT NEED FOR A SYSTEMIC OVERHAUL OF THE BROKEN JUVENILE DETENTION SYSTEM IN ILLINOIS

DETENTION must be the LAST RESORT



December 2024

Juvenile Justice Initiative www.jjustice.org

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ACKNOWLEDGEMENTS

We want to express our gratitude to the IL Dept of Juvenile Justice for publishing reports on the results of their annual inspections of the conditions within detention centers, and to the IL Juvenile Justice Commission for reports documenting demographic information on the use of detention across the state as well as their report calling for an end to detention of young children. We also want to acknowledge the long-standing debt we owe **Dr. Linda Teplin of Northwestern Feinberg School of Medicine** for her ground-breaking longitudinal research on the profound lifelong negative consequences from even a short stay in juvenile detention, and to the Sentencing Project for their recent reports on the success of alternatives to incarceration/detention.

Based on our fact-finding mission to Belfast earlier this month, we want to express our gratitude and admiration to the Minister of Justice and the staff at the Youth Justice Agency in Northern Ireland who so generously shared their model of a child friendly restorative justice system that is centered on the rights of children as expressed in the Convention on the Rights of the Child. **As the Northern Ireland leadership explained, they have created a youth justice system that frontloads resources to address conflict within the community with citations and local programming to limit justice system involvement and limit removal from home to a last resort.** In focusing on early intervention with services individually tailored to address each youth's needs while building on their strengths, their system has dramatically reduced youth offending and nearly ended the use of incarceration. To quote State Senator Robert Peters: ***"The fact that a place that has experienced massive, painful sectarian violence has come to embrace a sense of grace is something that is in itself beautiful."***

Special gratitude to our many funders: The Juvenile Justice Initiative is entirely privately funded in order to remain an independent voice for children in conflict with the law. We are deeply grateful to our many individual donors who support the work of the Juvenile Justice Initiative with annual contributions. Finally, we are extremely honored to have been part of the Woods Fund of Chicago's grantee community since our inception in 2000, and also want to extend a special thank you to the Helen Brach Foundation for their unwavering support of restorative justice and human rights for all children and young adults in conflict with the law.

EXECUTIVE SUMMARY

Illinois led the world over a century ago by developing the world's first juvenile court. Yet today Illinois falls far behind all other developed nations as they have embraced restorative and humane systems of child friendly justice. One glaring failure in the Illinois juvenile justice system is our **juvenile detention system - a haphazard network of state subsidized/county run facilities where most detention centers fail to meet even basic standards to keep children safe.** This report is the latest in a series of JJI reports on juvenile detention, building on our prior research in concluding the time is ripe for a complete overhaul of the juvenile detention system in Illinois.

Juvenile Detention is jail for children, where children are locked in cells after arrest. Studies consistently reveal that children who are locked up in **detention are more likely to repeat offend than if kept at home and in school while their case is decided.**

Research also consistently reveals that **even short stays in any juvenile detention facility, no matter how well run, produce lifelong negative outcomes.** The harm to children only increases when conditions of detention fail to meet even minimum standards - as is the case in most of the juvenile detention centers in Illinois.

In crisis - The Illinois juvenile detention system is in crisis: **Most juvenile detention centers fail to meet even minimum standards.**

Two counties have recently been sued over inadequate conditions in their juvenile detention centers - one county subsequently closed its detention center. Another detention center was closed following a shooting of a child in the facility.

There is **no clear state oversight or management** of juvenile detention - the detention centers are **randomly placed based on county prerogative and rebuilt/expanded in 1990's**, and there is **no state entity with the authority to close** detention centers that fail to meet minimum standards.

State dollars actively support and incentivize the use of juvenile detention by subsidizing the salaries of detention staff.....without any state plan or fiscal investment to regionalize and equalize community resources for interventions to address the root causes of offending while keeping children at home and in school.

Illinois now has an opportunity to reimagine juvenile detention. The time is ripe to shift limited state dollars to the front end for alternatives to detention, and to limit the use of detention to the last resort. It is also imperative to regionalize juvenile detention while repurposing extraneous juvenile detention centers. The transformation model of the Illinois Department of Juvenile Justice provides a roadmap for regionalization, while the Juvenile Redeploy program provides an example of a successful shift of state dollars to create fiscal incentives for alternatives. We now have the opportunity to build on previous successes to **reimagine statewide detention to ensure it is proportionate, equitable, restorative and the last resort for as short a time as possible.**

RECOMMENDATIONS

IMMEDIATE ACTION

Recommendation #1 - Include children's rights in the human rights act. As the home of the world's first juvenile court, Illinois must include the rights of children (as set forth in the Convention on the Rights of the Child) in the Illinois Human Rights Act, 775 ILCS 5.

Recommendation #2: PASS COMPROMISE LEGISLATION (HB 2347) to end detention of young children under age 13 and ensure detention is a last resort. (*See Appendix A for bill fact sheet*)

Recommendation #3: Reduce reliance on detention & ensure proportionality by doing the following:

- Require citations rather than arrest in the case of low-level offenses (including all Class B and C misdemeanors) to ensure equity with current protections for adults.
- Ensure compliance with state law prohibiting detention for status offenses.
- Prohibit detention for non-violent offenses including property and drug offenses.
- End the use of detention for violations of probation by utilizing intermediate community-based sanctions.
- Amend policies, procedures, and practices to end detention based on warrants unless there is a real and present threat to the safety of person(s). and/or demonstrable failure to appear.
- Require that juvenile judges and law enforcement exhaust all less restrictive alternatives for children of all ages before using juvenile detention *before* trial (as currently required by statute *after* trial).
- Insist on annually evaluated, consistent and vetted screening tools to support the discretionary decision to detain a child.
- Require 24/7 review of the decision to detain a child. Ensure there is a panel of trained and resourced lawyers who are regionally available on weekends across the state to be present in person with youth to represent them in detention hearings.

Recommendation #4: Ensure transparency regarding the use of and conditions of detention facilities and ensure strong oversight with power to close facilities that fail to meet basic standards.

- Continue the IDJJ role of detention facility inspections with public access to inspection reports.
- Ensure timely and public reporting on the use of juvenile detention with full demographic information on children who are detained.
- Track data on the use of solitary confinement to ensure compliance with recent prohibitions on its use.
- Ensure ongoing support for the expansion of the Ombudsperson to juveniles in detention.
- Develop a plan for how to respond, and who has authority to respond, when detention centers fail to meet minimum standards.

SYSTEM REFORM of JUVENILE DETENTION

A. Ensure Detention of Children is a Last Resort

Recommendation #5: Utilize data and research to limit the use of detention:

- **Analyze the use of juvenile detention** across the state, documenting age/sex/racial/zip code and offense demographics of children who are placed in detention as well as any involvement with child welfare. Include documentation of length of stay and release decisions.
- **Identify juvenile populations held for short stays** to identify opportunities for alternatives to detention. Shift resources, revise policies and retrain personnel (including police as well as probation and judiciary) to maximize opportunities to deflect children from detention.
- **Map the use of detention**, identifying sending counties and proximity to existing detention centers.

Recommendation #6: Restructure funding incentives in favor of community-based alternatives over detention and redetermine detention needs:

- **Project detention needs for the next five years**, based on current use and equalizing juvenile detention decisions to adult jail statutory restrictions.
- **Identify and realign state funds** currently used to subsidize juvenile detention staff (@\$45 million) **to incentivize community-based alternatives** instead of the detention of children. **Redeploy Illinois**, a fiscal incentive program that has successfully shifted state dollars from facilities in the IL Dept of Juvenile Justice to community alternatives and dramatically reduced the number of children incarcerated after trial, is one example of successful realignment of state dollars to shift incentives away from incarceration and into community alternatives.
- **Regionalize juvenile detention to reduce redundancy** in the number and location of juvenile detention centers across Illinois, equalizing access based on a statewide scan of detention needs over the next five years and distance.

B. REPURPOSE CLOSED JUVENILE DETENTION CENTERS

Recommendation #7: As juvenile detention use is “right-sized” and excess juvenile detention beds are reduced by closing juvenile detention centers, Illinois can utilize existing evidence-based programs to repurpose detention centers to better serve the needs of children and young adults and to assist counties in developing more economically productive uses of detention centers. This could include evidence-based programs, such as:

- YouthBuild: an evidence-based program providing housing, education, job training, and certifications for youth.
- Mentoring, tutoring and/or School Tutoring & Resource Centers, including after school and summer programming.
- Homeless services for young adults.

C. CONVENE A CHILDREN’S CABINET to address issues of Children in Conflict with the Law

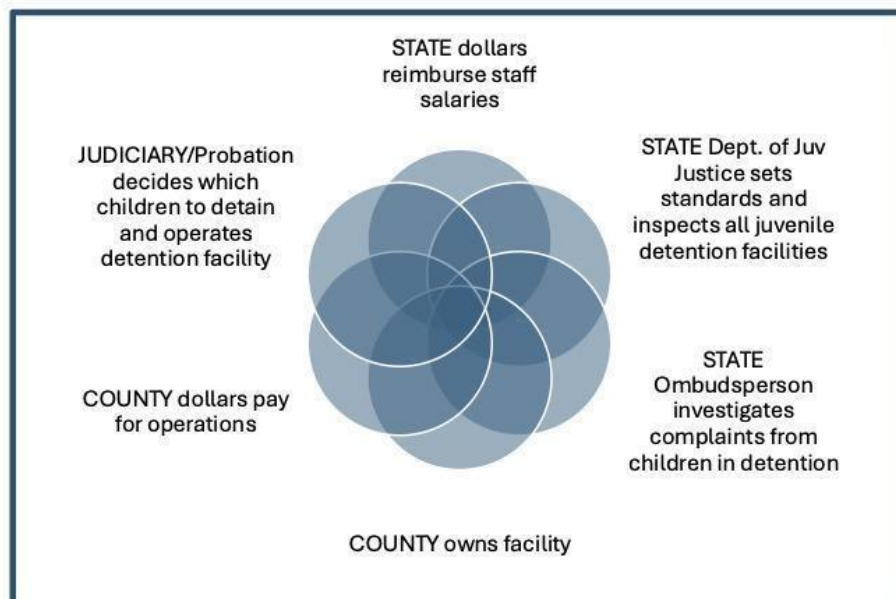
RECOMMENDATION #8 - Convene a Children’s Cabinet to facilitate strategic partnerships and collaboration across state agencies/initiatives (including IDCFs, IDHS, IDJJ, the Illinois Juvenile Justice Commission and the Illinois Children’s Behavioral Health Transformation Initiative), the judiciary, local government, and system impacted person(s):

- To assess the basic needs of children and young adults in conflict with the law,
- **To identify and evaluate current funding streams and to identify opportunities to redirect funding to support services and interventions** to deflect children from the justice system and to ensure removal from home is a last resort,
- **To explore a realignment of juvenile detention within the Illinois Department of Juvenile Justice** to maximize resources, including community-based programs and services, and to ensure all juvenile detention centers meet basic standards to protect children in order to remain open, and
- To make recommendations to the legislature on funding and policy reforms essential to ensure the rights of all children as set forth in the Convention on the Rights of the Child.

TIME FOR A SYSTEMIC OVERHAUL OF JUVENILE DETENTION

Illinois leaders founded the world's first juvenile court on the premise that children in conflict with the law should be treated as children, separate and distinct from adults. As with other child-serving systems, it is essential to keep the developmental needs, voice and rights of children in the forefront of system design and programmatic implementation. This is particularly critical with the decision to detain a child. Yet today the haphazard system of random and unequal detention admissions along with inadequate conditions in most detention centers where children are locked up after arrest is badly broken and in need of a systemic overhaul.

Since children who receive individualized services within community settings are less likely to repeat offend, **public safety is best served through front-loading resources within communities to address underlying issues leading to offending.** While the state is transforming the treatment of children after they are found guilty, **the bifurcated locally run/local & state funded detention system for children before a finding of guilt lacks a comprehensive and unified state vision.** The state legislature (that funds detention staff), the judiciary (that makes decisions on who should be detained and manages detention facilities), and local counties (that fund operational costs of detention and own the detention facilities), all operate independently and thus have struggled to align juvenile detention decisions and programming with best practice and policies. **No one government entity has clear responsibility for the overall state management of juvenile detention.**



The Legislature has never comprehensively addressed juvenile detention. Legislative proposals to reform juvenile detention by raising the minimum age of detention and limiting detention to a last resort have been debated for over a decade. A few recent legislative reforms address juvenile detention, including limiting solitary confinement and expanding ombudsperson protections to detention, but these are minimal fixes of individual issues, not systemic transformations of a badly broken system. **Instead, the lack of a consistent state policy coupled with the perverse incentive of state funding that subsidizes detention staff salaries, continue to actively encourage the use of juvenile detention.**

Illinois has been at the forefront of national juvenile justice reform yet persists in incentivizing juvenile detention over community-based alternatives that are more cost effective and produce better outcomes. Illinois has an existing funding model, Redeploy Illinois, that has proven effective in reducing juvenile incarceration after sentencing by shifting fiscal incentives to community alternatives instead of to juvenile prison. Unfortunately, **Redeploy only applies at the back end of a juvenile case at sentencing after a finding of guilt, not at the beginning when youth are first arrested and detained.**

What is Juvenile Detention and Why is it Harmful to Children?

Juvenile detention is jail for kids. Detention for juveniles is the equivalent of jails for adults - the place where police take persons after arrest. Juvenile detention facilities are county/court operated centers funded by state and county dollars. These are locked facilities for the detention of juveniles after arrest and before trial. **The facilities have heavy iron doors and juveniles are placed in uniforms, transported in shackles, and locked in individual cells.** They are subject to discipline, including solitary confinement. Programming in detention centers is inconsistent, and many centers fail to meet minimum state standards, especially for behavioral healthcare and education.

Juvenile detention harms children. The negative impacts of juvenile detention have been studied extensively. Even **short periods** of detention can produce profoundly negative outcomes, ranging from perpetuating a cycle of trauma, to an increase in mental health issues, education disruptions, economic disadvantages, and even higher rates of mortality.

- **Childhood trauma increases the risk of delinquency in adolescence.** Studies find that youth who become involved in the juvenile justice system are several times more likely than other youth to have suffered traumatic experiences — as much as four times as likely to have experienced 4 of 10 types of trauma than the general population. This research finds that exposure to multiple types of trauma can impede children’s healthy brain development, harm their ability to self-regulate, and

heighten the risks of delinquent behavior.¹ Up to one-third of incarcerated youth suffer from PTSD (post-traumatic stress disorder).²

- **Detention re-traumatizes youth.** Often detention is yet another traumatic event for young people and it can exacerbate the struggles of youth who have already been exposed to violence and other adverse childhood experiences. "Surveys of confined youth consistently find high levels of violence and abuse. For instance, among youth participants in the Pathways to Desistance study who had been placed in residential facilities, 75% reported witnessing violent encounters between other youth in their facilities, 17% reported being victimized by other residents, nearly two-thirds witnessed violence between staff and residents, almost 10% reported being victimized by staff, and 5% reported being beaten by staff."³
- **Detention leads to increases in mental health disorders.** Research of formerly detained youth has found that they often struggled with a range of issues years after release from detention.⁴ A longitudinal study by Dr. Linda Teplin of the Feinberg School of Medicine at Northwestern followed 1,895 children between ages 10 and 18 who were detained in the Cook County Detention Center in the late 1990's and found that detention had profound l that *more than 45% of male juveniles and 30% of female juveniles had one or more psychiatric disorders* five years later.⁵ Juvenile detention stays even lead to higher mortality rates. The same longitudinal study found that the mortality (death) rate for youth detained in Cook County was more than four times the rate for youth in the general population.⁶
- **Detention hinders educational attainment.** Research spanning 10 years of data on detained children in Chicago found that periods of detention interrupted school, resulting in lowering high school graduation rates by 13% and increasing adult incarceration by 23 percentage points.⁷ "Many young offenders never make it back to school at all. A booklet issued by the Department of Education for students transitioning out of juvenile facilities notes that while 90 percent want to re-enroll in traditional schools, only one-third actually do."⁸
- **Detention can negatively impact future earnings.** Juvenile detention increases the likelihood of post-trial incarceration which, in turn, impacts future earnings. Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce.⁹

¹ Mendel, Richard, *Why Youth Incarceration Fails: An Updated Review of the Evidence*, 2023, <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/#executive-summary>

² Ford, J. D., Chapman, J. F., Hawke, J., & Albert, D. (2007). Trauma among youth in the juvenile justice system: Critical issues and new directions. National Center for Mental Health and Juvenile Justice.

³ <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/#executive-summary>

⁴ OJJDP Bulletin, Sept. 2015 – *Psychiatric Disorders in Youth After Detention*, Dr. Linda Teplin.

⁵ OJJDP Bulletin, Sept. 2015 – *Psychiatric Disorders in Youth After Detention*, Dr. Linda Teplin.

⁶ OJJDP Bulletin, Sept. 2015 – *Violent Death in Delinquent Youth After Detention*, Dr. Linda Teplin.

⁷ <http://news.mit.edu/2015/juvenile-incarceration-less-schooling-more-crime-0610>

⁸ <https://www.theatlantic.com/politics/archive/2017/12/juvenile-solitary-confinement/548933/>

⁹ Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Barry Holman and Jason Ziedenberg.

Brain immaturity fuels delinquency. As a child-serving system it is important that policies, decisions, and programmatic design focus on the needs of and potential harms to children. Designing a system that reflects what research tells us about adolescent development and mitigates against the harms that detention can inflict is essential.

*“Scientists have confirmed that the brain does not fully mature until age 25, and this lack of brain maturity makes lawbreaking and other risky behaviors more common during adolescence. Research also shows that **as their brains develop, the vast majority of youth age out of lawbreaking.** Most youth who enter the justice system for delinquency (63%) never return to court on delinquency charges.”¹⁰*

Urgent Need to Reimagine Detention

The harms inflicted on children by time spent in juvenile detention are well researched and documented, but the risk of harm increases when the conditions of detention are inadequate or even downright unsafe. The lack of procedural protections, the random and disparate detention decisions, and the use of detention when alternatives could be safely employed, make the need to reimagine juvenile detention urgent.

The complexities of the juvenile detention system make reforms much more challenging, but no less pressing. Unlike the unified state system of Illinois Dept of Juvenile Justice for post-trial confinement, pre-trial detention facilities are funded and managed by a disjointed structure involving state tax dollars for salaries, county dollars for operations, and management by the judiciary/probation — with no shared systemic vision or uniform practices. **The funding structure that provides state reimbursement for detention staff salaries (@\$45 million annually) disincentivizes counties from developing and investing in more effective community-based alternatives to detention** and from reimagining their approaches to children in conflict with the law. While **counties pay for operations and own facilities, courts make detention decisions** and have authority over individual detention centers, but standards and inspection fall under the state run Illinois Department of Juvenile Justice. So, who’s responsible for setting the course for improving the process and conditions for detention?

Since JJI’s last detention report in 2019, Illinois has made some strides in addressing transparency and oversight of juvenile detention facilities. The Illinois Department of Juvenile Justice (IDJJ) is responsible for establishing minimum standards for juvenile detention centers across the state, pursuant to 730 ILCS 5/3-15-2. County Detention Standards were updated in 2021 (for the first time since 1998) to reflect current practice guidelines. “Updates included the addition of portions for the Prison Rape Elimination Act (PREA), and enhanced guidelines for areas such as youth grievances, mental health service requirements, visitation guidelines, educational guidelines, and restrictions to the use of confinement.” IDJJ conducts annual inspections of all county detention centers to monitor compliance and offer technical assistance - and publishes the inspection results on its

¹⁰ <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/#executive-summary>

website, a critical reform to ensure transparency of detention conditions. **However, although IDJJ is empowered by state law to establish standards, monitor for compliance, and offer technical assistance, the Department has no jurisdiction over the county-run juvenile detention centers so it cannot force changes in facilities that fail to meet the most basic state standards.**¹¹

Inadequate and unsafe conditions in most juvenile detention centers. Illinois has 14 county operated juvenile detention facilities (Adams, Champaign, Cook, Kane, Knox, Lake, LaSalle, Madison, McLean, Peoria, St. Clair, Vermilion, Will, and Winnebago). Since the last JJI detention report in 2019, two facilities were closed — the Sangamon county center was closed following a shooting that resulted in the death of a child¹² and the Franklin county center was closed as a result of poor conditions.¹³ Of the remaining 14 detention facilities, only four (Vermillion, Kane, Lake, and Peoria) were found compliant with minimal standards for safety for children in 2023 IDJJ inspections.

Lawsuits and inspections highlight an array of problematic practices. IDJJ inspections and ACLU lawsuits have brought significant problems to light. The juvenile detention center in Franklin County was closed due to inability to meet minimum standards of care and faced a class action lawsuit by the ACLU. After multiple reviews conducted by IDJJ, they declared that the Franklin County facility was “in crisis” and in 2023 the ACLU filed suit against Franklin County based on the poor conditions. The conditions included young people confined to cells 20 hours a day with no meaningful access to mental health care or education. After the county decided to permanently close the facility, the lawsuit was dismissed.¹⁴

In June, the ACLU filed a lawsuit against the Knox county detention center spurred by abusive, extended use of solitary confinement, including putting young people on a 23-hour-a-day lockdown lasting weeks or months on end. The ACLU also noted the failure to provide adequate mental health and education services as well as the excessive use of intrusive strip searches.¹⁵ The Department of Justice filed a corresponding statement of interest in the case, alleging that the conditions at the facility violate the constitution.¹⁶

“The federal government recognizes that children are developmentally and constitutionally different than adults and that excessive isolation causes children unique and significant harm,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “Harmful conditions of confinement, including isolation, undermine the very purpose of the juvenile

¹¹ <https://idjj.illinois.gov/facilities/county-detention-centers.html>

¹² <https://www.sj-r.com/story/news/local/2023/10/03/springfield-police-chief-details-moments-of-juvenile-detention-facility-shooting/71046287007/>

¹³ <https://www.aclu-il.org/en/cases/maurer-v-franklin>

¹⁴ <https://www.aclu-il.org/en/cases/maurer-v-franklin-county>

¹⁵ <https://www.aclu-il.org/en/cases/jbh-v-knox-county>

¹⁶ <https://www.justice.gov/opa/pr/justice-department-files-statement-interest-challenge-constitutionality-solitary-confinement>

justice system, which is to provide children with rehabilitative treatment so they may return to their communities as productive, law-abiding citizens. State and local institutions must ensure that children in institutions are safe from harmful conditions that violate their constitutional rights and undermine that purpose. We are committed to enforcing this obligation.”

Two other reports over the last five years, documenting the troubling conditions in the Cook County juvenile detention center, have highlighted the excessive use of solitary confinement. Despite there being no evidence that the use of solitary confinement is effective, the practice has persisted:

“However, the Council of Juvenile Correctional Administrators note that there is no proven evidence of any benefits of using isolation to manage youths’ behavior. In fact, some say that solitary confinement ramps up institutional violence and creates mental health problems in inmates who had not experienced them before.”¹⁷

Equip for Equality released a report in March 2023 examining the impact of juvenile detention practices in Cook County on youth with disabilities (who make up 30-50% of the detention populations). The report noted, “Lengthy and excessive use of room confinement and holding pods negatively impact youths’ academic and social-emotional growth and health.”¹⁸

In response to these longstanding and pervasive problems, the Legislature took action **to end solitary confinement** of youth in Public Act 103-0178, effective 1/1/2024 and also **expanded the role of the IDJJ Ombudsperson** to include oversight of complaints from youth in juvenile detention in Public Act 103-0397, effective 1/1/2025.

Lack of Adequate Review & Protections for Youth

Given what the research demonstrates about the harms that detention can inflict and the documented concerns about the conditions of detention, strong limits on the use of detention and protections for children’s rights need to be in place. Yet, **legislative protections for children upon arrest have failed to keep pace with protections for adults upon arrest and for juveniles after a finding of guilt.**

Juveniles lack legal process protections given to adults. When minors are arrested, they are NOT given the same protections as an adult would be.

- Under recent reforms to end cash bail and change the standard for pre-trial jailing of adults, there must be a **specific “real and present threat** to the safety of any person or the community, based on the specific, articulable facts of the case” as opposed to the standard for detention of juveniles who can be detained for any

¹⁷ <https://www.documentcloud.org/documents/22186973-cook-county-jtdc-advisory-board-2019-annual-report?responsive=1&title=1>

¹⁸ https://www.equipforequality.org/files/jtdc_report.pdf p.7

perceived threat to themselves or others or to property no matter how vague that perception might be.

Further, while juveniles can be detained for any misdemeanor, pre-trial detention for adults is limited to some Class A Misdemeanors, assuming they meet the above standard and excludes Class B and C Misdemeanors (now citations).

JUVENILES DETAINED when similarly situated adults could not be detained

- JUVENILE CODE:

705 ILCS 405/ (2) (a) Any minor 10 years of age or older arrested pursuant to this Act where there is probable cause to believe that the minor is a delinquent minor and that (i) secure custody is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another, (ii) the minor is likely to flee the jurisdiction of the court, or (iii) the minor was taken into custody under a warrant, may be kept or detained in an authorized detention facility. A minor under 13 years of age shall not be admitted, kept, or detained in a detention facility unless a local youth service provider, including a provider through the Comprehensive Community Based Youth Services network, has been contacted and has not been able to accept the minor.

- ADULT CODE:

725 ILCS 5/109-1(a-1) Law enforcement shall issue a **citation in lieu of custodial arrest**, upon proper identification, for those accused of **any offense that is not a felony or Class A misdemeanor....**

Sec. 110-2. Pretrial release.

(a) All persons charged with an offense shall be eligible for pretrial release before conviction....

c) unless...**the person presents a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case,**

Also, the judicial review of the decision to detain does not have the same time frame requirements for children as it does for adults. **Except for Cook County, there is no weekend or holiday review of the decision to detain a juvenile —but adults get review 24/7.** A person arrested as an adult in Illinois has a right to review of the decision to hold in jail before a judge “without unnecessary delay”. 725 ILCS 5/109-1. A person arrested as a juvenile has a right to a detention review, but that review is only within 40 hours excluding weekends and holidays. 705 ILCS 405/5-415. [Prior to 1999, the detention review had to be held within 36 hours]. **This means that juveniles have to wait longer for a review of the decision to detain them than a similarly situated adult.**

- **Best practice is 24/7.** Because detention can be traumatic and disruptive to a child’s life, best practice requires a review of the decision to detain within a very short timeframe. Nationally, the Annie E. Casey Foundation recommends limiting that time to 24 hours including weekends and holidays.¹⁹

¹⁹ <http://www.aecf.org/m/resourcedoc/aecf-embeddingdetentionreform-2014.pdf>

- **Weekend Review successful in Cook County.** The Circuit Court of Cook County issued an order on October 7, 2016 that *Detention hearings in the juvenile court of the circuit court for Cook County shall be held every day of the year, including weekends and holidays.* In November of 2016, the Cook County Juvenile Court began holding daily detention hearings, including weekends and holidays. The judges reported at a Juvenile Leadership Event in the fall of 2017 that the weekend review was successful, resulting in an average of 40% release, most on electronic monitoring.

Children can be detained before trial for offenses that would not lead to incarceration after trial. By statute, young people found guilty of an offense may be committed to a IDJJ facility **only** if they are over 13, have committed a felony offense, and as a last resort after exhausting all less restrictive alternatives. Meanwhile, before trial, even elementary age children (ages 10-13) can be placed in detention (although only if a provider has been contacted and refuses to accept them); and youth aged 13-18 can be committed to detention without any requirement that detention be a last resort. In addition, children age 10-18 can be detained for pretrial for misdemeanor offenses (and probation violations and warrants), but after trial confinement is limited to felony offenses. Only about a quarter of admissions to juvenile detention are for offenses classified as “violent”.

When a Child can be locked up.....

- **BEFORE TRIAL/Finding of Guilt:**
 - Charged with ANY misdemeanor or felony offense
 - Minimum age of 10
 - Arbitrary – no requirement to search for less restrictive alternative unless child is under 13 years of age
- **AFTER TRIAL, upon finding of guilt:**
 - Found guilty of FELONY
 - Must be at least 13 years old
 - Must be a LAST RESORT

Juveniles in Illinois lack the protections that exist in other developed nations where detention is used as the LAST RESORT.

Illinois, home of the first juvenile court, was a world leader in juvenile justice, but now lags behind other developed nations due to a failure to incorporate international standards and human rights protections into state law. When it comes to the detention of children in conflict with the law, United Nations standards call for removal from home only as a last resort and for as short a time as possible in humane settings.²⁰

²⁰ <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>

Random and Disparate Use of Juvenile Detention

Decision to Detain a Child is Completely Discretionary

Detention practices and use of screening tools vary widely across the state. There is some encouragement from the courts to use validated screening tools to make decisions whether to detain a child or not, but these tools vary greatly and there is currently no state oversight of the use of detention. The Administrative Office of Illinois Courts is piloting a statewide detention screening tool in a few counties. But screening tools are complex. For example, inclusion of factors such as number of **prior arrests and/or age of first arrest** have been shown to have **racially disparate impacts**, since studies reveal a disproportionate rate of arrests within black and brown communities.²¹

The Justice Center of the Council of State Governments notes that “tools can contribute to racial disparity if not validated or used properly.”²²

While most Illinois counties rarely detain juveniles, a handful of counties use detention at alarming rates. For example, in 2023 twenty-two counties of the state's 102 counties, accounted for 64% of the total admissions to juvenile detention, according to JMIS data.²³ Some counties make concerted efforts to utilize alternatives to detention, others do not.

Police have wide discretion to release outright, release to a relative, or “station adjust” cases and avoid detention. The police make the initial decision about detention – and under 705 ILCS 405/5-405(3) police have **wide discretion** in deciding when and who to detain:

*405/5-405 (3) The juvenile police officer **MAY** take one of the following actions:*

- A. station adjustment and release of the minor;*
- B. release the minor to his or her parents and refer the case to Juvenile Court;*
- C. if the juvenile police officer reasonably believes that there is an urgent and immediate necessity to keep the minor in custody, the juvenile police officer shall deliver the minor without unnecessary delay to the court or to the place designated by rule or by order of court for the reception of minors.*

Station-adjustments. Police “station-adjustments” can include an innumerable range of informal dispositions – anything from cleaning up the graffiti to agreeing to counseling, restitution, or other restorative practices.

Police can release children to a relative (705 ILCS 405/3-3) under the provisions of Article 3, Minors in Need of Authoritative Intervention. These informal resolutions of conflict with the law involving children are the most common form of community policing where police work with the family and victim to informally resolve disputes.

²¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC6288793/>

²² <https://csgjusticecenter.org/reentry/posts/risk-and-needs-assessment-and-race-in-the-criminal-justice-system/>

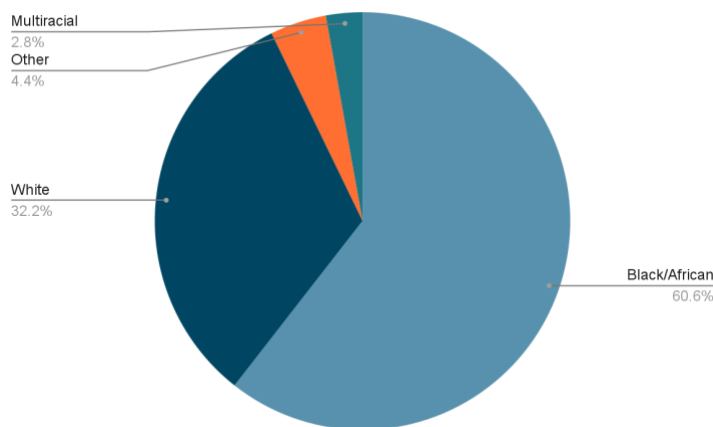
²³ <https://ijjc.illinois.gov/wp-content/uploads/2024/02/JMIS-Monthly-Data-Report-December.pdf>

Profound Racial Disparities

“Racial and ethnic disparities...are quite pronounced”.²⁴ “Quite pronounced” is an understatement. Across the nation and in Illinois, black and brown youth are at a significantly higher risk of being detained than white youth even for similar offenses. In addition, despite plummeting numbers of youth in confinement, racial and ethnic disparities have actually increased.²⁵

Most alarming is the grossly disproportionate detention of Black/African American children. While according to the 2020 U.S. Census 14.6% of Illinoisians identify as Black,²⁶ 60.57% of the juvenile detention population are Black/African American — more than 4 times their representation in the overall population. This compares to white youth who represent only 32.22% of the juvenile detention population while they represent 58.8% of the overall population. Significantly, this makes the detention rate for Black/African American youth 8 times higher White youth. Statewide in 2023, Black, Hispanic and multi-racial children made up more than 67% of the detention admissions.²⁷

Illinois Juvenile Detention Center Admissions by Race 2023



Most young people are allowed leeway for normal adolescent misbehavior without getting entangled in the justice system. However, youth of color nationwide who live in neighborhoods that are “heavily policed” are more likely to be arrested, prosecuted, sentenced, and incarcerated for these behaviors than are their white peers.

Reducing the number of youth of color in detention requires an intentional racial justice strategy that extends beyond simply changing policies and practices that drive detention.

²⁴ Illinois Juvenile Justice Commission, *Illinois Juvenile Detention Data Report on CY2015 Detention*, 2016.

²⁵ http://www.justicepolicy.org/uploads/justicepolicy/documents/Smart_Safe_and_Fair_Exec_Sum_9_5_18.pdf

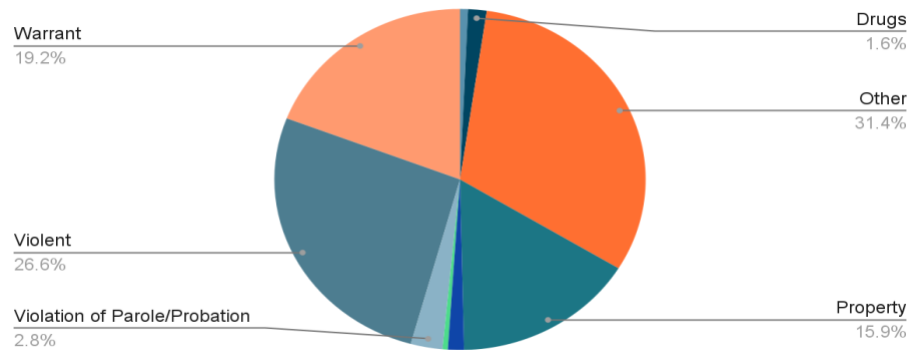
²⁶ <https://www.census.gov/quickfacts/fact/table/IL,US/PST045223>

²⁷ <https://ijjc.illinois.gov/wp-content/uploads/2024/02/JMIS-Monthly-Data-Report-December.pdf>

Majority of Juveniles Detained for Non-violent Offenses

There are several categories of conduct that do not require, and should not result, in detention. **Juveniles can be detained and are often detained for offenses for which adults would not be held in jail.** The adult detention standard requires specific “real and present threat to the safety of any person or the community, based on the specific, articulable facts of the case.” In addition, **adult detention excludes low level misdemeanors**, issuing citations instead.

April 2024 Illinois Juvenile Detention Admission Data by Offense:



Most youth are detained for non-violent offenses. JMIS data from April 2024 provides a snapshot of the alleged offenses leading to youth detention. The data reveals that 73% of the youth detentions were for non-violent offenses including property, drug, and probation violations. Almost 16% of the detention admissions were for property offenses; probation violations accounted for 2.77% of the detention admissions; and the catch-all category of “warrants” accounted for 19.17% of all admissions.

Data from JMIS also reveals that there are still detentions for status offenses — although the numbers are low, representing less than 0.5% of youth in detention in April 2024. However, the **detention of status offenders is expressly prohibited** under the Juvenile Court Act in 705 ILCS 405/5-401(3):

(3) Except for minors accused of violation of an order of the court, any minor accused of any act under federal or State law, or a municipal or county ordinance that would not be illegal if committed by an adult, cannot be placed in a jail, municipal lockup, detention center, or secure correctional facility. Juveniles accused with underage consumption and underage possession of alcohol cannot be placed in a jail, municipal lockup, detention center, or correctional facility.

Detention for probation violations persist - although some practice has improved:

One area of improvement has been in the reduction of the numbers of young people detained for probation violations. In 2016, six hundred youth were admitted to detention for probation violations. In the first four months of 2024, 49 youth were detained for probation violations, which would be on track for approximately 150 such admissions this

year. It is unclear whether these were technical violations, or violations caused by an arrest for a new offense. Generally, a serious violent new offense would be separately charged, rather than handled as a violation of probation.

“Warrants” represent a significant proportion of youth in detention. Warrants represent another undelineated category of detention admissions. The April 2024 data shows that warrants represented 19.17% of the overall detention admissions. “Warrants may be issued by the court when it determines the youth may endanger him or herself, or others.” This, of course, is discretionary. Warrants may also be issued when a youth fails to appear for court. Most young people will return to court, but are reliant on adults in their lives to help keep track of dates, transport to court, etc. Policies and practices should be in place to ensure that children and families are reminded about their court dates. However, the way that data is collected does not allow for a determination of the origin of a warrant, so it is difficult to assess the scope of the issue and make appropriate recommendations to reduce the detention of youth based on warrants.

Some offenses, such as domestic battery, categorized as violent could be better served through behavioral health and family interventions. About a quarter of youth held in detention centers are accused of a violent offense, according to JMIS data. Of those youth charged with violent offenses, about 30% are charged with domestic battery. For instance, the data from April 2024 showed that of the 433 young people admitted to detention, 115 (or 26.5%) were arrested for violent offenses and that 35 (or 30%) of those were categorized as domestic battery.²⁸ Many of these young people, based on individualized assessment, would be better served with behavioral and family interventions even if an immediate return to family is not indicated.

Best practices in juvenile justice for addressing adolescent domestic battery emphasize a focus on alternative responses to arrest and detention. **Arresting youth for intra-family domestic battery often exacerbates family tensions and does not address underlying causes.** Instead, evidence-based interventions that prioritize family-focused therapeutic approaches are recommended. Programs have demonstrated success by using system responses like family group counseling, community-based services, and tailored treatment plans. These alternatives aim to de-escalate conflicts and strengthen family dynamics rather than imposing punitive measures, which can lead to further trauma and recidivism.²⁹

Elementary & Middle School Age Children Still Detained Despite Increase in Funding

Another particularly troubling issue is the continued use of detention in Illinois for children under the age of 13. These are children who are still in elementary or middle school and are most at risk when they are in a detention center. The Juvenile Code is clear that children **under the age of 13 SHALL NOT be detained** unless a provider has been

²⁸ <https://ijjc.illinois.gov/wp-content/uploads/2024/06/JMIS-Monthly-Data-Report-April.pdf>

²⁹ <https://bwjp.org/site-resources/understanding-and-responding-to-adolescent-intra-family-domestic-battery/>

contacted and has refused to accept the child. **Unfortunately, despite additional funding a year ago for crisis intervention services, stakeholders report that some providers are still refusing to serve this very small and very young population.**

According to the Illinois JMIS data from 2023 (the last full year of data) **there were 90 children under the age of 13 admitted to detention.**³⁰ There were no 10-year-olds placed in detention and only 12 children aged 11 were detained - a decline compared to 2017 when 32 children aged 10 & 11 were held in detention. Seventy-eight 12-year-olds were held in detention in 2023. As with the larger population of children held in juvenile detention, young African American children represent the vast majority of pre-teens and young teenagers in detention and therefore are disproportionately impacted by the harms.

“The racial inequity in this practice is shocking. Black children comprise approximately 15% of our youth population, but 71% of detention admissions of children 10-12 years old in 2019 were Black/African American. Disparities in the detention of children in this age range are even more pronounced than the disparities in the overall detention population, where Black or African American youth comprise 59% of admissions.”³¹

Detaining children ages 10-13 poses significant risks to their mental health, development, and safety. Studies have shown that younger children in juvenile detention are particularly vulnerable to adverse psychological effects due to their stage of development. For example, research by the Justice Policy Institute found that younger detainees often face heightened risks of depression, anxiety, and self-harm because detention centers are not equipped to provide the emotional and social support children need. This isolation, combined with a punitive environment, can exacerbate pre-existing mental health challenges and create new ones that continue to affect youth even after their release.³² The American Academy of Pediatrics also emphasizes that the traumatic nature of detention, with its rigid structures and exposure to older peers who may have more severe behavioral challenges, places undue stress on younger children, interfering with healthy development and increasing the risk of future criminal involvement.³³

In addition to psychological risks, there are significant developmental concerns when young children are placed in detention. Research by the Annie E. Casey Foundation indicates that children in this age group are particularly sensitive to peer influence and are likely to internalize criminal behaviors and attitudes when exposed to older, more experienced detainees. This exposure can lead to antisocial behavior that may not have been present prior to detention. Moreover, confinement in such an environment disrupts the education and social learning critical to youth development, leading to academic

³⁰ <https://ijjc.illinois.gov/wp-content/uploads/2024/02/JMIS-Monthly-Data-Report-December.pdf>

³¹ <https://ijjc.illinois.gov/wp-content/uploads/2021/08/Detention-of-Children-10-12-Years-Old-In-Illinois-A-Call-to-Action-.pdf>

³² Justice Policy Institute. (2015). *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*. Retrieved from <https://justicepolicy.org/research/sticker-shock/>

³³ <https://publications.aap.org/pediatrics/article/128/6/1219/31060/Health-Care-for-Youth-in-the-Juvenile-Justice?autologincheck=redirected>

setbacks that can impact their long-term success. Experts argue that alternative, community-based interventions are more effective for this age group, providing appropriate behavioral support and reducing recidivism compared to detention.³⁴

Based on the significant harm to children from detention and the especially high risk of harm to pre-teens and young teenagers, **the legislature has spent more than a decade debating raising the minimum age to detain a child from 10 to 13.** In 2015, the legislature prohibited the detention of children aged 10, 11, & 12 unless a local youth services provider had been contacted and had not been able to accept the child for services. This law [PA99-254] helped reduce the number of young children in detention but failed to eliminate the practice.

Now there is a key opportunity to address the issue of the detention of 10–13-year-olds. Last year there was a significant budget increase to crisis intervention services for youth and there is ongoing system collaboration to ensure that youth services are available statewide to provide alternatives to detention. Proposed legislation (HB 2347), that would prohibit the detention of young children under most circumstances, has passed the House and is pending in the Senate. This bill represents an agreed compromise with the IL Probation and Court Services Association to raise the age of detention. (See Appendix A for the bill fact sheet.)



TIME TO TURN OUT THE LIGHTS, by Jaeu, Azuela School, Chicago

“My problems all started with being locked up at age 12. I felt like that was what my life was supposed to be. I do not want any more children to have to feel defined by being locked up at such a young

Children under the age of 13 can still be held accountable and receive services. Options include a Petition for Minor Requiring Authoritative Intervention (MRAI) in juvenile court, which allows the court to order probation or a range of other options but does not involve an arrest or detention. Alternatives to detention including crisis intervention/behavioral healthcare services, or placement with relatives are currently

³⁴ Annie E. Casey Foundation. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*. Retrieved from <https://www.aecf.org/resources/no-place-for-kids>

available (705 ILCS 405/3-3). Illinois has implemented a range of community-based responses for children and families in crisis, including Screening, Assessment and Support Services (SASS) programs and other mental health supports, child welfare responses, Comprehensive Community Based Youth Services (CCBYS) and local alternatives to detention programs. One positive development is that additional funding has been provided to CCBYS services for the next two years to help ensure that these services are available statewide.

The number of children under the age of 13 held in detention in most counties is minimal and has dropped over the years – **it is now time to end detention for this young age group.**

Illinois State Dollars Encourage Detention and Produce Poor Outcomes

The State subsidizes the cost of running county detention centers to the tune of @\$45 million. Illinois state statute requires the state to reimburse counties for the salaries of detention center staff and the county funds the rest of the operational costs and owns the facilities. The Probation and Probation Officers Act, 730 ILCS 110/15(4) (c) states:

“The [Probation and Court Services] Division shall reimburse the county or counties for probation services as follows:

(c) 100% of the salary for all secure detention personnel”

In 2023, this cost the state @\$45 million. Some counties also further subsidize detention center operating costs by charging surrounding counties to detain their juveniles. This funding dynamic creates a **perverse incentive to detain young people** instead of utilizing/developing alternatives to detention. The greater the number of youths held in a detention center, the greater the number of staff and thus the greater the county’s reimbursement from the state. Thus, the state fiscal incentives encourage juvenile detention – rather than encouraging alternatives.

Illinois has an existing funding model to shift resources from incarceration to community alternatives - **Redeploy Illinois** - that has proven effective in reducing juvenile incarceration **after** sentencing by shifting fiscal incentives to community alternatives instead of to juvenile prison. Unfortunately, Redeploy only applies at the back end of a juvenile case at sentencing after a finding of guilt, not at the beginning when youth are first arrested and detained.

Not cost-effective — juvenile detention is not a cost-effective way to promote public safety or meet the needs of young people. Community-based alternatives to detention are widely regarded as more cost-effective and outcome-focused compared to juvenile detention centers. Programs such as counseling, mentorship, and family support services are significantly less expensive than the high operational costs of maintaining detention facilities, (which exceeds \$500 per day in Cook County³⁵). Moreover, these alternatives are

³⁵ https://datacatalog.cookcountyil.gov/Public-Safety/President-s-Office-Juvenile-Temporary-Detention-Ce/ix6b-at92/data?no_mobile=true

linked to lower recidivism rates because they address underlying issues such as mental health needs, educational gaps, and family instability. Research highlights that juveniles in community-based programs are more likely to complete education, maintain stable employment, and avoid reoffending. These outcomes not only improve individual lives but also reduce the long-term societal costs associated with crime and incarceration.³⁶

Best practices in prevention and diversion can reduce the need for detention centers.

Many alternatives are available including Comprehensive Community-Based Youth Services (CCBYS), mental health juvenile justice initiative alternatives to detention, and restorative justice practices. CCBYS is a statewide 24/7 crisis intervention system that is mandated to serve youth in crisis (runaways, lock-outs, beyond control and in physical danger) and also serves youth in high-risk situations, and their families when appropriate, according to their needs and in keeping with the goal of family preservation, reunification and/or family stabilization, or independence, depending upon the youth's needs. While these services vary across the state based on access and capacity to provide the appropriate supports, human services funding increases anticipate addressing access and capacity issues.

- Cook County is currently in the planning phase of a OJJDP grant funded project, **Assessment Centers and Centers of Care as Alternatives to Youth Incarceration**, to reduce the County's juvenile detention population by improving assessment and increasing community-based alternatives, and to better serve detained youth by utilizing smaller more local sites. "The County committed to a long-term plan of building and staffing Assessment Centers and Community Centers of Care, as alternatives to detention. Assessment Centers are a single point of contact to identify underlying issues contributing to a young person's behavior and partners with youth and families to access individualized services and resources."³⁷

Not only are community-based services cheaper and more effective but lowering the number of young people in detention allows resources within detention centers to be specifically targeted to those young people who are more appropriately detained.

Not all alternatives to detention are created equal. Electronic Monitoring – Concerns when used with children. All aspects of the juvenile justice system, including alternatives to detention, need to hold up to scrutiny for their appropriateness for children. The national push to reduce the adult and juvenile jail populations has spurred the growth of electronic monitoring (EM) programs across the country. This has led to the reduction in juvenile detention in some counties, but questions remain about which cases are appropriate for electronic monitoring, **the suitability of electronic monitoring for children**, the types of devices used and concerns about that technology, and the flow of dollars to pay for electronic monitoring (who profits from it and at whose expense?).

³⁶ <https://publications.aap.org/pediatrics/article/128/6/1219/31060/Health-Care-for-Youth-in-the-Juvenile-Justice?autologincheck=redirected>

³⁷ <https://ojjdp.ojp.gov/funding/awards/15pjdp-23-gk-06143-titl>

Some of the specific concerns related to the use of electronic monitoring for children include:

- What is the purpose? A 2012 study by the Pretrial Justice Institute found that nearly 90 percent of people would return to court with little more than a reminder of their court date, so use of EM for this purpose seems superfluous.
- The logistics of juvenile electronic monitoring presents another set of issues which adults would likely not find as challenging: the monitors must be plugged into the wall regularly to charge, which attorneys say is often difficult for children who have trouble sitting still; and children are often forgetful and can face disciplinary action or be sent to a detention center if they do not charge their devices.
- Ankle monitors also subject them to stigma in school and among their friends.
- By forcing children to stay inside their homes for certain periods of time, jurisdictions are also placing a heavy burden on families who have to rearrange schedules and priorities to make sure their children aren't violating the terms of their program.

As a result of all these factors, young people often end up violating the terms of their release. The state needs to carefully consider the appropriateness of electronic monitoring for children, including a review of the number of children detained not for new offenses, but for technical violations related to EM.³⁸

Regionalizing & Repurposing Juvenile Detention Facilities

Once the juvenile detention population has been “right-sized” by deflecting low level offenses to citations outside the justice system, appropriately diverting more young people from detention to community alternatives, eliminating the detention of children under 13, intentionally ending disparate detention practices, and requiring that detention be used as a last resort, the state can focus resources on the small number of children that cannot be appropriately served through other avenues.

Regionalizing Juvenile Detention.

Illinois currently has a **haphazard array of juvenile detention** centers. As we noted in our 2019 report, the counties currently running juvenile detention centers made critical decisions in the 1990's to build/expand juvenile detention centers.

The building boom was fueled by the availability of federal dollars at the time, and some counties believed expanding/building a juvenile detention center would raise revenue from renting vacant beds to neighboring counties. **In just one decade in the 1990's, twelve counties built new facilities or expanded their existing detention centers.** The chart in Appendix B demonstrates how dramatically counties overbuilt, and how detention center populations have declined. The assumption that there would be an increased need for juvenile detention proved inaccurate, as juvenile arrests (and therefore detentions)

³⁸ <https://theappeal.org/chicago-electronic-monitoring-wiretapping-juveniles/>

steadily declined in the 2000's. By 2016, all twelve counties had average daily populations below the number of beds built in the '90's.

By contrast, other counties concentrated on reducing the number of juveniles placed in detention. **Through the development of a continuum of alternatives to detention, Illinois' largest county (Cook) was able to avoid adding beds and reduced their detention population from 800 in the 1990s to 184 as reported on Dec. 11, 2024**³⁹. Another county (DuPage) was able to close their detention facility.

The issue of regionalization of detention centers is further complicated by the fact that many of the counties that overbuilt in the 1990's relied on bonds to support the construction.

The small number of youth deemed in need of detention could be served by a regionalized approach to juvenile detention with fewer detention centers overall, but still geographically close enough to encourage family visitation. Programming could also be more streamlined to meet the needs of detained youth.

Reducing the number of children detained prior to trial also begs the question: **What should happen to detention facilities closed due to lawsuits or deemed redundant?**

The recent closing of two detention centers in Illinois reflects a national trend to close facilities due to lack of use or because of substantial issues related to safety concerns, poor conditions, and staffing challenges. More than a decade ago, DuPage County closed its detention center as part of a strategic approach to change the county's response to children in conflict with the law. According to the Sentencing Project, across the country there has been a 39% decrease in the number of juvenile facilities with almost 1,200 closures just between 2000 and 2014.

The Sentencing Project's publication on repurposing closed prisons compiles examples of how to use facilities in new ways and address some of the concerns and barriers to phasing out facilities. They note that "prison closures offer a challenge to officials and the communities that are impacted, particularly in rural areas with limited employment opportunities. In recent years, entrepreneurs, elected officials and community leaders in a handful of states have reimagined sites that once incarcerated prisoners for new uses."⁴⁰

Some examples of how facilities can be repurposed include: services to adults leaving incarceration, extensions of community colleges, homeless services, small farm incubator, medical marijuana cultivation center, and distillery.

³⁹ <https://ocj-web-files.s3.us-east-2.amazonaws.com/documents/2024-12-11%20-%20Daily%20JTDC%20Population%20Report.pdf?VersionId=Q37x5RnAWQ8Lgu.jG6weUbSMT9J7LYm0>

⁴⁰ <https://www.sentencingproject.org/publications/repurposing-new-beginnings-closed-prisons/>

Some facilities may have restrictions that require the facility to be used for youth purposes, so examples of repurposing to serve youth include:

- **After School Tutoring/Mentoring and Summer/Holiday Programming:** The hours between the end of the school day and the time that many parents return home from work can be high risk times for juvenile delinquency. Providing targeted programming, like tutoring, mentoring, and social skills development during these hours not only helps fill these hours, but also provides support to young people. Successful implementation would require transportation to and from the program site and provision of meals.
- **YouthBuild:** YouthBuild is an employment-focused program that engages young people in a combination of high school completion, construction skills and other job skills training, personal development activities, and (in some cases) housing. It is an evidence-based program that has been proven effective and operates in more than 200 program sites across the country.⁴¹
- **Housing for Young Adults:** Homelessness among young adults aged 18-21 is a pressing issue, with this group facing significant vulnerabilities due to their transitional age and lack of stable housing. There is also a reciprocal relationship between juvenile delinquency, homelessness, and young adult offending....⁴² Approximately one in ten young adults experiences homelessness over a year. Young adults experiencing homelessness often encounter heightened risks of mental health challenges, substance abuse, and victimization, including human trafficking. Many also lack the education, employment opportunities, or life skills necessary to achieve stability, perpetuating cycles of instability and poverty. Addressing these needs requires targeted interventions, such as housing support, job training, and mental health services, to improve outcomes..⁴³

⁴¹ <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/#executive-summary>

⁴² <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-022-00177-7>

⁴³ <https://www.ncsl.org/human-services/youth-homelessness-overview>

A Children's Cabinet on Children in Conflict with the Law

One avenue to address the need for a systemic overhaul of the complex local and state issues involved in reimagining juvenile detention is to appoint (by executive order) a Children's Cabinet on Children in Conflict with the Law. Key membership in the cabinet could include representatives/appointees from:

- Executive
 - Office of the Governor
 - Office of the Lt. Governor
 - Director of the Dept. of Children and Family Services
 - Secretary of the Dept. of Human Services
 - Director of the Dept. of Juvenile Justice
 - Chair of the IL State Board of Education
 - Office of the IL Attorney General
 - Chair of the IL Juvenile Justice Commission
 - Chief Officer for Children's Behavioral Health Transformation
- Legislative
 - Office of the Senate President
 - Office of the Minority Leader of the Senate
 - Office of the Speaker of the House
 - Office of the Minority Leader of the House
- Judiciary
 - Administrative Office of the Illinois Courts
 - IL Probation and Court Services Assoc.
- County
 - President of the Cook County Board
 - Illinois Association of County Board Members
- Community
 - Formerly impacted individuals/family members
 - Community policy organizations committed to equitable outcomes for children in conflict with the law

The Children's Cabinet should be convened as soon as possible:

- To assess the basic needs of children and young adults in conflict with the law,
- **To identify and evaluate current funding streams and to identify opportunities to redirect funding to support services, interventions and training** to deflect children from the justice system and to ensure removal from home is a last resort,
- **To explore a realignment of juvenile detention within the Illinois Department of Juvenile Justice** to maximize resources, including community-based programs and services, and to ensure all juvenile detention centers meet basic standards to protect children in order to remain open, and
- To make recommendations to the legislature on funding and policy reforms essential to ensure the rights of all children as set forth in the Convention on the Rights of the Child.

Conclusion

Over reliance on juvenile detention is a failed practice in Illinois. Although the numbers of youth in detention have declined over the last few years, detention continues to be random, racially biased and overused for non-violent offenses, warrants, and probation violations leading to further harm to youth, families and communities. The “wild west” of local detention practices and facilities has led to shocking racial disparities and profound lifelong harm to children.

As long ago as 1973, the National Advisory Commission on Criminal Justice Standards and Goals concluded: *The prison, the reformatory, and the jail have achieved only a shocking record of failure. There is overwhelming evidence that these institutions create crime rather than prevent it.*” And the Commission went on to make the following recommendation:

*No new institutions for adults should be built and **existing institutions for juveniles should be closed.*** Nat’l Advisory Cmsn, 1973.

Recent inspections of juvenile facilities, lawsuits, and other reviews show that conditions of detention centers remain problematic, increasing the risk of harm to children beyond the developmental impacts of institutionalizing children. We cannot continue to embrace practices that we know harm children, disrupt their normal developmental trajectory, jeopardize their educational progress, and increase their risk for mental and behavioral health conditions.

There are practical ways through which we can continue to reduce the reliance on juvenile detention — changing funding structures, improving processes, and making intentional moves to reduce racial disparities. But it is imperative to swiftly address the systemic issues, incentives and barriers that have led to our broken juvenile detention practice.

The time has come to reimagine the juvenile detention system by front-loading resources, right-sizing the population of detained children and repurposing facilities. By providing fiscal incentives to develop community-based responses instead of the perverse incentives that support detention, Illinois can more effectively intervene with young people in conflict with the law.

Appendix A

HB2347 - Passed the House - Pending in the Senate

THE ISSUE: Based on the significant harm to children from detention, the legislature has spent more than a decade debating raising the minimum age to detain a child from 10 to

13. A compromise has been reached after a decade of negotiation - this bill is an agreement with IL Probation and Court Services Assoc. to gradually raise the age based on additional funding in last year's budget and on a plan for system collaboration to ensure alternatives to detention are available -

- Planning for **implementation** is underway to ensure alternative services available statewide.
- Includes **accountability** - reporting mechanisms to identify gaps in services during implementation period.
- Includes **Carve outs for 12-year-olds** charged with murder, agg criminal sexual assault, agg battery with a firearm, or agg vehicular hijacking.
- Limits juvenile detention to cases of adolescents age 13 & older who present a serious threat to the physical safety of person(s) in the community or to secure minor's presence in court based on a record of willful failure to appear & provides detention must be a last resort and the least restrictive alternative available.

CHILDREN under the age of 13 CAN STILL BE HELD ACCOUNTABLE - The bill clarifies that children under the age of 13 can be held accountable through a **Petition for Minor Requiring Authoritative Intervention** in juvenile court which allows the court to order probation or a range of other options.....but does not involve an arrest or detention. Options for **alternatives to detention include** crisis intervention/behavioral healthcare services, or placement with relatives.

DETENTION IS HARMFUL Research shows that **detention of children can have profound and lifelong negative consequences.** Youth who are detained are less likely to complete high school, less likely to find employment and more likely to suffer mental health problems <https://www.aecf.org>

MANY JUVENILE DETENTION CENTERS FAIL TO MEET MINIMUM STANDARDS Only four detention centers in Illinois were found in compliance with basic standards, and one detention center recently closed in part due to a class action lawsuit based on inadequate conditions.



PROPONENTS include:

Illinois Probation and Court Services Association
Illinois Collaboration on Youth
Illinois Parent Teacher Association
League of Women Voters of Illinois
ACLU of Illinois
John Howard Association
Illinois Justice Project
Juvenile Justice Initiative
TASC - Treatment Alternatives for Safe Communities
Ann and Robert H. Lurie Children's Hospital of Chicago
Strengthening Chicago's Youth
Law Office of the Cook County Public Defender
National Assoc. of Social Workers - IL Chapter
Catholic Lawyers Guild, Restorative Justice Committee
Lawndale Christian Legal Center
The James B. Moran Center for Youth Advocacy
Restore Justice Illinois
Cabrini Green Legal Aid
Civitas Child Law Center
Mother's Against Wrongful Convictions
The Baby Fold
Children's Home and Aid
Lawrence Hall
Sentencing Advocacy Group of Evanston
The Allendale Association
The Center for Youth and Family Solution
The GAP Gyrلز and Gyz Human Rights Consortium
Woodlawn Restorative Justice Hub
A Just Harvest
The Chicago Metropolitan Association of the United Church of Christ
Nehemiah Trinity Rising
The Illinois Conference of the United Church of Christ

APPENDIX B - IL County Juvenile Detention Facilities⁴⁴

County Juv. Detention Center	Original Bed Capacity & year built	Expansion & year expanded	ADP (Average Daily Population) 1999	ADP in 2016	ADP 2019
1. Adams	20 beds 1963	30 beds 2001	16.1	9.8	12
2. Champaign	10 beds 1954	40 beds 2000	10.4	19.3	14
3. Cook	498 beds 1973	none	555.6	296.9	193
4. Franklin (closed 2024)	38 beds 2003	none		15.4	16
5. Kane	80 beds 1998	none	63.3	39.7	31
6. Knox	12 beds 1917	39 beds '69 & '91	48.1	20.0	22
7. Lake	48 beds 1996	24 bed increase postponed	38.8	31.7	23
8. LaSalle	14 beds 1982	none	15.3	10.4	9
9. Madison	21 beds 1969	39 beds 1995	38.9	13.9	25
10. McLean	26 beds 1993	none	22	21.4	9
11. Peoria	16 beds 1976	63 beds 1999	26.7	36.5	33
12. Sangamon (closed 2024)	10 beds 1979	48 beds 2000	10.7	21.2	12
13. St Clair	36 beds 1980	53 beds 1999	51	13.3	15
14. Vermilion	26 beds 2000	none		20.2	16
15. Will	102 beds 1999	none	43.2	33.5	31
16. Winnebago	32 beds 1992	48 beds 1996	56.8	47.4	40
State Total			1,096.3	650.7	501

⁴⁴ SOURCE: *The Status of Juvenile Detention in Illinois: annual report*, National Juvenile Detention Association, June 2001; *IL Juvenile Detention Data Report*, Illinois Juvenile Justice Commission, 2016, IJJC Comparison 2018-2019

