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Next Steps on the Path of Juvenile Justice Reform:

Increasing independent oversight of Illinois' juvenile detention facilities and juvenile courts, and protecting youths' rights to meaningful access to the courts and counsel

The past decade has heralded a revolution in juvenile justice reform and how we think about and approach juvenile delinquency. On the national level, in a trio of United States Supreme Court sentencing cases, *Roper v. Simmons*, *Graham v. Florida*, and *Miller v. Alabama*, the Court formally recognized that “kids are different” and categorically less culpable and more amenable to rehabilitation than adult offenders because of their developmental, neurological immaturity.¹ In conjunction, in *J.D.B. v. North Carolina*, the Court found that children are *per se* more vulnerable to coercion in police interrogations than adults because of their developmental immaturity.²

Emboldened by these decisions and prevailing scientific evidence on adolescent development, Illinois likewise undertook statewide reforms, via both legislation and settlements in litigation, including new policies aimed at decreasing the prosecution of juveniles in adult criminal courts; diverting youth from juvenile court involvement to community-based treatment; reducing the number of youth incarcerated in Illinois Department of Juvenile Justice (IDJJ) facilities; providing juveniles with increased access to counsel in police interrogations and at parole revocation hearings; and reducing the mandated length of time juveniles must spend on probation and Aftercare (Illinois' juvenile parole).³ To increase transparency and accountability in IDJJ facilities, Illinois' lawmakers also formed a new independent oversight entity, the Office of the Independent Juvenile Ombudsman.⁴ Additionally, the Illinois Supreme Court amended its rules to expedite juvenile appeals and limit use of restraints and shackling of juvenile defendants in court.⁵ For youth who remain in IDJJ facilities, external oversight, facility conditions and access to treatment and education have also begun to improve as a result of a consent decree.⁶

There is good reason to celebrate these changes. Collectively they show that Illinois is moving towards a juvenile justice system that is grounded in the best practices of public transparency, accountability, and evidence-based interventions that are informed by the science of adolescent development.⁷ At the same time, however, the light cast by these statewide reforms throws other, longstanding problems in Illinois' juvenile justice system into sharper relief. While data collection, public monitoring and reporting at state-run IDJJ youth facilities have increased greatly, public accountability, transparency and independent oversight of county-run juvenile detention facilities remain inadequate.

Likewise the processes, procedures and dispositions that occur in Illinois' juvenile courts are insulated from regular public scrutiny. Unlike adult criminal court proceedings, which are open to the public, juvenile delinquency proceedings and records are confidential and closed to the public under Illinois law.⁸ There are sound policy reasons for safeguarding youths' identities in juvenile proceedings and keeping delinquency records private. Granting public access to juvenile

delinquency proceedings and records risks exposing youth to lasting stigmatization, severely limiting their opportunities for rehabilitation, housing, education, employment and healthy social development.⁹

At the same time, however, the need to protect juvenile confidentiality cannot fairly be used as a blanket justification to bar independent oversight and public reporting on juvenile courts or county juvenile detention facilities.

Because custodial and treatment facilities by their nature are shielded from public view, independent oversight over them, as well as government officials and courts, is needed to ensure that error, corruption, and abuse do not occur owing to lack of scrutiny.¹⁰ Lack of oversight and public reporting on juvenile facilities and delinquency proceedings further encourages public distrust, ignorance, and apathy about juvenile issues.¹¹ The American Bar Association's (ABA) Juvenile Justice Standards Relating to Monitoring have long called for jurisdictions to develop a "[m]ultitiered mix of local, regional, and statewide monitoring mechanisms," which should include "[a] combination of appropriate internal self-monitoring and court-based monitoring mechanisms in addition to independent monitoring mechanisms external to the components of the juvenile justice system."¹²

As it stands, existing monitoring mechanisms are wholly inadequate to ensure that the processes, procedures, and conditions in Illinois' juvenile courts and juvenile detention facilities are fair, consistent, legal and humane, and that state and local governments are held accountable. The trend towards shifting the care of delinquent youth from state to county and community authorities is well-intentioned, evidence-based, and grounded in good public policy.¹³ The operative assumption among many policy makers, is that county, local and community-based interventions close to youths' homes are *per se* more rehabilitative and benevolent, and less punitive, invasive and oppressive to youth and families. The problem, however, is that in the absence of rigorous independent oversight and public reporting, the abuses, excesses and inefficiencies that have long characterized state-run facilities and juvenile justice agencies are just as likely to be reproduced at the county, local and community level.¹⁴

In reviewing existing juvenile justice monitoring mechanisms, JHA has identified three major areas of deficiency. First, Illinois does not have a system to ensure that its 16 county juvenile detention facilities are routinely subject to independent oversight, monitoring and public reporting on custodial practices, conditions of confinement and the treatment of youth.¹⁵ Second, Illinois does not have a system to ensure routine independent monitoring of juvenile court proceedings and dispositions. Third, Illinois does not have a system to ensure that youth in county and state custody have reasonable access to the courts and counsel to challenge their sentences or conditions of confinement.

JHA's findings and recommendations with respect to each of these issues—monitoring of juvenile detention centers, monitoring of juvenile court proceedings, and the right of youth to meaningful access to the courts and counsel—are explored in a three-part series of reports. Part I of this series, addressing the need for independent monitoring of county juvenile detention facilities, follows herein.

PART I

In compliance with national and international human rights principles, juvenile justice standards and correctional best practices, all county juvenile detention facilities should be subject to public reporting requirements and comprehensive oversight by independent monitoring entities.

Illinois juvenile detention facilities are subject to basic regulatory auditing by the Office of Detention and Audit Services (the Office), a unit of IDJJ that is funded via a grant through the Illinois Juvenile Justice Commission.¹⁶ However, the Office's monitoring function is extremely limited in scope, and does not include broad, comprehensive oversight and public reporting as demanded under human rights principles, juvenile justice standards and correctional best practices.¹⁷

Under the Illinois Administrative Code, the Office is charged with collecting and compiling monthly and annual data, and performing periodic on-site inspections of Illinois' 16 county juvenile detention centers.¹⁸ The Office's primary function is to audit facilities for compliance with the core requirements of the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) Act: sight and sound separation of juveniles from adult inmates, removal of juveniles from adult lockups and jails, deinstitutionalization of status offenders, and addressing disproportionate minority contact.¹⁹ In short, the extent of monitoring called for and performed by the Office is extremely limited.

Broad, independent, qualitative oversight and investigation into youth, staff and administrator issues related to facility resources, conditions, treatment, practices and policies are not part of the Office's mandate. The summary contents of the Office's audit reports reflect the narrowness of its statutorily-defined oversight role.²⁰ Analysis and public reporting on the specific concerns and issues of youth, staff, and administrators in juvenile detention facilities are not included in the Office's audits. Further, the Office's facility audits are difficult to locate and do not appear to be readily accessible to the public through a centralized, online searchable database.²¹

To be clear, the Office of Detention and Audit Services performs an essential function in auditing juvenile detention facilities for regulatory compliance. However, its work should not be confused with, and is not a substitute for, routine independent monitoring and in-depth public reporting on youth treatment, policies, and practices in county juvenile detention. Data collection and physical facility inspections are important first steps in identifying harmful conditions, poor treatment and inequities in juvenile detention and taking corrective action. However, because the Office's role is limited to surveying facilities for compliance with basic federal and state regulations, it is fully possible for a detention facility to be deemed satisfactory under an audit, but for facility conditions to remain incompatible with juvenile justice best practices and human rights standards.²²

The U.S. Department of Justice, the United Nations, the ABA, and a preponderance of state, national and international authorities recognize that monitoring and external oversight by an independent body are essential to ensure that youth in custody receive safe and humane treatment.²³ Because youth are particularly vulnerable, lack the emotional and intellectual maturity needed to effectively advocate for their rights, and are often reluctant to report mistreatment due

to fear of reprisals, the need for independent oversight of juvenile detention facilities is particularly important.²⁴ Public access to statistics and quantitative data on populations, policies, practices, use of force, confinement, staffing, education and therapeutic treatment of youth in juvenile detention facilities is also essential. Consistent with best practice standards, however, the hallmark and focus of an effective monitoring program must include visiting, interviewing, and confidentially communicating with detained youth to identify, document, and report on their issues and concerns.²⁵

As more and more delinquent youth are diverted from IDJJ commitment, and instead are handled at the county and community level, the need for independent monitoring is imperative to ensure that county detention facilities and community interventions are safe, legal, and humane. Unlike Illinois' adult and juvenile prisons, which have a history of independent monitoring by JHA as an outside entity, county juvenile detention centers historically have operated without independent monitoring, leaving them insulated from meaningful public scrutiny and evaluation. Apart from the court-ordered monitoring that occasionally takes place in the context of federal civil rights litigation, juvenile detention facilities typically operate with impunity from regular, external oversight. This is a precarious omission.

While litigation is an important tool to identify problems, it is not a practical or efficient means to timely address and prevent systemic mistreatment and to protect the rights of children in custody. Like adult prisoners, juveniles in detention facilities are subject to the requirements of the federal Prison Litigation Reform Act (PLRA), which places heavy burdens, hurdles and restrictions on youth in custody and their families when seeking protection in the courts from unsafe facility conditions or remedies for injuries in detention.²⁶ Apart from the challenges inherent in the PLRA, youth in detention frequently lack the experience, maturity, and the emotional and intellectual capacity to bring legal claims on their own.²⁷ Further, as discussed in the forthcoming Part III of this report series, youth in detention generally lack access to law libraries, counsel and, other legal resources that might enable them to more readily bring legal claims challenging their conditions of confinement.²⁸

More pointedly, unlike routine, ongoing independent monitoring, litigation is generally retroactive, seeking to address harms that have already occurred, rather than to prevent them. And inevitably, court oversight over facility operations and treatment comes to an end when a facility satisfies minimum constitutional standards of care. Consent decrees and settlement agreements are not monitored for compliance in perpetuity.²⁹ Absent rigorous, ongoing oversight by an independent monitor of detention facility policies, practices and conditions, there is a well-documented tendency for facilities to backslide into prior bad habits and unsafe practices.³⁰

Under the real world pressures of budget cuts, understaffing and insufficient resources, unmonitored court-ordered reforms can quickly unravel.³¹ Juvenile detention staff and administrators, who have no control over external factors of budget allocation and resources, are frequently asked to run facilities at optimum standards of care, while at the same time they are forced to cut corners to meet austere budget constraints.

Legislators and government officials may advocate for juvenile justice reforms on philosophical and fiscal grounds, and utilize facility data and reports to review performance and challenges.

However, it is difficult to comprehend the complexity and difficulty of the daily work performed by staff and administrators inside juvenile facilities and the enormous financial costs and long-term investments needed to implement and sustain reform.³² For legislators and elected officials focused on managing strained budgets and seeking immediate “cost savings,” the need to invest more financial resources in juvenile detention and community programs is often met with resistance. While there is no question that reducing the number of youth and their length of stay in IDJJ facilities saves money,³³ in order to best support justice-involved youth and maximize successful outcomes, some cost shifting throughout the system is necessary. The reality remains that high quality care and treatment—whether in state-run youth centers, county juvenile detention facilities or in community-based service programs—requires adequate funding and staffing.

To achieve long term cost savings, both financial and social, as well as lasting reductions in crime and juvenile recidivism, the money saved from decreased IDJJ commitments must be invested at the local level to support education, healthcare, mental health and substance abuse treatment, affordable housing, job training and creation, and the elimination of racial and economic inequality in our communities and juvenile and criminal justice systems.³⁴

Independent monitors serve a critical role. Unlike detention staff and administrators who are employed directly by the government, independent monitors can hold state officials, administrators and elected representatives publicly accountable for failing to adequately fund, staff, and resource facilities to protect youth and the public without fear of reprisal or job insecurity.³⁵ In so doing, independent monitors can also help broaden public discussion to include consideration of issues beyond short term cost savings, refocusing attention on issues of public safety and the long term social and financial benefits that inure to taxpayers from adequately funding safe and humane juvenile detention facilities and community interventions.³⁶

For many years the ABA has advocated for the establishment of independent monitoring entities to allow public oversight of correctional facilities, including juvenile detention centers. As identified by the ABA, independent monitoring serves five critical functions.

First, the public identification of problems in correctional facilities can lead to rectification, resulting in facilities that are safer, operated in conformance with the Constitution and best correctional practices, and are better equipped to prepare prisoners for successful reentry. Second, objective observation by an independent entity allows potential problems to be detected that the facility may have overlooked, preventing them from becoming major problems for correctional officials. Third, external oversight of correctional facilities, and the problem solving that it generates, can reduce costs by proactively averting lawsuits over conditions of confinement and the treatment of prisoners. Fourth, the factual findings of independent monitors can help to substantiate the need for funds requested by correctional administrators. And last, public reporting by an independent monitor about what goes on behind prison walls can lead to better-informed decisions about sentencing and correctional policies.³⁷

Apart from identifying deficiencies in juvenile detention, however, independent monitoring also works to recognize and publicize positive, innovative juvenile justice programs and initiatives undertaken at individual detention facilities, which can serve as models for other facilities across

the state. Notwithstanding challenges faced from lack of resources, juvenile detention facilities across Illinois are doing some inspiring work.

For example, at Lake County's Depke Juvenile Complex and Hulse Juvenile Detention Center, detention administrators and staff, in collaboration with the 19th Circuit Judiciary and the Lake County State's Attorney, have pioneered new methods and technologies to maximize access to information about the juvenile justice system for youth, families, system stakeholders, and the public.³⁸ Similarly, JHA learned from visiting the Peoria Juvenile Detention Center how facility administrators and staff, of their own initiative, applied for and were awarded an independent grant from the Emmanuel Project. This grant allowed youth to participate in an evidence-based art therapy/ behavior incentive program, which paired youth with a professional artist to design and paint a vibrant mural for the facility's gym.³⁹ Likewise, on visiting Knox County's Mary Davis Detention Home, JHA learned how administration and staff created a literacy initiative, setting up an additional lending library adjacent to the youth's living unit to make books immediately accessible, and developing a reading incentive program which rewards youth for every book they read.

One of the challenges of the juvenile justice system is that inventive projects, resourceful problem-solving, and effective programs often go unnoticed because the state, county, and local entities that serve justice-involved youth exist in isolated silos, preventing regular communication and dialogues.⁴⁰ Independent monitoring and reporting is important because it serves to link disparate stakeholders and encourages information-sharing about effective juvenile justice interventions across jurisdictions and different levels of government.

Yet, despite the recognized value and import of comprehensive independent monitoring, most county, state and federal adult and juvenile prisons and jails in the United States developed and continue to operate without public scrutiny, access, or regular oversight by an independent body.⁴¹

This historical tradition of inaccessibility and remove from independent oversight and public scrutiny continues today in Illinois' juvenile detention. To their credit, some county juvenile detention facilities have autonomously embraced the prospect of independent monitoring. For instance, over the past year and a half, JHA was granted permission to visit juvenile detention facilities in Lake,⁴² Peoria and Knox Counties. Several other counties also have expressed their desire and assent to allow JHA to visit their detention facilities. Permitting JHA physical access to juvenile detention facilities complements existing administrative regulations which specify that incoming and outgoing mail between JHA and adults and juveniles in Illinois' jails and prisons is "privileged" and confidential, and thus cannot be read by staff, allowing inmates to voice concerns to an entity outside of a correctional agency.⁴³ It is also consistent with the work JHA does in collaboration with IDJJ, by routinely inspecting Illinois Youth Centers and reporting findings and recommendations from monitoring visits, interviews and data collection to IDJJ administrators, as well as to other decision makers and the public. This work has exposed issues requiring attention, and also has offered commendation for innovative and progressive changes and improvements in IDJJ facilities, leading to increased transparency and accountability by IDJJ to the people of Illinois.

Some other counties, however, have been unreceptive or unresponsive to JHA's requests to visit their facilities as an independent monitor, and have taken no other initiative to institute independent oversight or monitoring of their facilities. Of note, the Cook County Juvenile Temporary Detention Center (JTDC), the largest juvenile detention facility in Illinois and one of the largest juvenile detention facilities in the country, continues to operate without an independent monitor regularly inspecting the facility.

Given JTDC's lengthy history of litigation based on a pattern of constitutional violations in holding youth in unsafe, violent and unsanitary conditions, and depriving them of basic medical and mental health care and education, it is particularly concerning that there is no independent monitor, auditor or Office of Ombudsman inside this facility.⁴⁴ Over the course of 18 years of federal litigation and court oversight, conditions at JTDC improved dramatically. Pursuant to the settlement agreement entered into in *Doe v. Cook County* in 1999 control of JTDC was transferred from the Cook County Circuit Court to a court-appointed transitional administrator, and independent expert monitors were required to regularly report to the Court on improvements in youth treatment and facility conditions.⁴⁵ As of May 2015, full control of JTDC transferred from the court-appointed transitional administrator back to the Chief Judge of Cook County upon the federal court finding the facility had finally achieved compliance with constitutional standards.⁴⁶ With the termination of litigation in 2015, however, independent court monitoring and reporting on JTDC conditions also ceased.

Aside from the JTDC's history, there is always a danger of facilities backsliding into prior bad habits and practices when litigation and court monitoring come to an end. There is an urgent need for regular outside monitoring of youth treatment and conditions at JTDC to ensure that this does not happen. Further, the lack of routine independent monitoring inside Illinois' juvenile detention centers as a whole is incongruous with the professed public policy of state and county governments to increase transparency, public scrutiny, access to information, and accountability in Illinois' justice systems.

As evidenced by the substantial changes in law and broad based policy reforms that Illinois has achieved in recent years, including the appointment of an independent Ombudsman for IDJJ, there is genuine public momentum and interest in improving the juvenile justice system in our state and our approach to how we treat juvenile delinquency.⁴⁷ However, major challenges still remain. Of paramount importance, our longstanding history of insulating Illinois' juvenile detention facilities from comprehensive independent oversight can no longer be countenanced. This custom runs contrary to best practice standards and the weight of authority, which holds that comprehensive independent monitoring and public reporting are essential to prevent the abuse, neglect, maltreatment and the violation of constitutional and human rights of youth in custodial facilities.⁴⁸

In agreement with the ABA's Juvenile Justice Standards Relating to Monitoring, JHA recognizes that effective independent oversight of juvenile detention facilities does not require adherence to any one rigid monitoring mechanism or model.⁴⁹ Rather, the juvenile detention administrators, staff, courts, officials and citizens in the counties where Illinois' 16 juvenile detention facilities are located should have the discretion to plan and implement the best independent monitoring system possible, considering their communities' needs and resources.

Ideally, an effective monitoring system should be multilayered and take into account the characteristics of the individual jurisdiction.⁵⁰ Depending on the needs and resources of the jurisdiction, effective independent oversight could employ a diverse range of mechanisms, including independent monitoring by private attorneys, educators, local citizen groups, local and state-wide juvenile justice advocacy organizations, ombudsmen, and existing monitoring organizations such as JHA.⁵¹

Regardless of the oversight system ultimately adopted, however, it is clear that at a minimum, and consistent with national and international best practice standards, every juvenile detention facility in Illinois must be subject to public reporting requirements and regular, comprehensive monitoring and public reporting by an external entity, separate and apart from the juvenile justice system, with the authority and primary objective to visit and confidentially communicate with youth to identify their issues and needs and to report on existing challenges.

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Since 1901, JHA has provided public oversight of Illinois' juvenile and adult correctional facilities. Every year, JHA staff and trained volunteers inspect prisons, jails and detention centers throughout the state. Based on these inspections, JHA regularly issues reports that are instrumental in improving prison conditions.

JHA gratefully acknowledges the generous support of both the John D. and Catherine T. MacArthur Foundation and the Polk Bros Foundation which made the preparation of this report possible.

MacArthur Foundation

*The John Howard Association was the proud recipient of the 2015
MacArthur Award for Creative and Effective Institutions*

P O L K B R O S F O U N D A T I O N

¹ See Cornell University Law School, Legal Information Institute website, *Roper v. Simmons*, 543 U.S. 551 (2005), <https://www.law.cornell.edu/supct/html/03-633.ZS.html>; *Graham v. Florida* 560 U.S. 48 (2010), <https://www.law.cornell.edu/supct/html/08-7412.ZO.html>; *Miller v. Alabama* 567 U.S. 460 (2012) <https://www.law.cornell.edu/supremecourt/text/10-9646>.

² Ibid, note 1, *J.D.B. V. North Carolina*, 564 U.S. 261 (2011), <https://www.law.cornell.edu/supct/html/9-11121.ZS.html>.

³ See, e.g., Public Act 099-0258, effective 1/1/2016 (limiting automatic transfer of youth to adult criminal court), <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0258>; Public Act 99-0268 effective 1/1/ 2016 (excluding misdemeanor juveniles from IDJJ commitment and reducing aftercare (youth parole) terms), <http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1560&GAID=13&DocTypeID=SB&SessionID=88&GA=99>; Public Act 094-1032, effective 1/1/2007 and Public Act 098-0060, effective 1/1/2014 (authorizing Redeploy Illinois program providing economic incentives for counties to divert youth to community-based treatment in lieu of IDJJ commitment), <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=094-1032> and <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=098-0060>. See also Redeploy Illinois, Annual Report to the Governor and the General Assembly Fiscal Year & Calendar Year 2014 (Released March 1, 2016), (documenting how Redeploy program has helped to reduce the number of youth committed to IDJJ by half over ten years), <http://www.ilcounty.org/upload/files/2014-Redeploy-Annual-Report-1.pdf>; Public Act 099-0882, effective 1/1/2017 (increasing youth access to counsel in police interrogations), <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0882>; *M.H. v. Monreal*, Case No. 12-cv-8523, Proposed Consent Decree (N.D. Ill. 2012), <http://www.law.northwestern.edu/legalclinic/macarthur/projects/treatment/documents/MotionforPreliminaryApprovalProposed%20ConsentDecree.pdf>, and Northwestern Law School, MacArthur Justice Center: “Youth Parole” (summarizing changes made pursuant to litigation to protect youths’ rights of due process and counsel in parole revocation proceedings), <http://www.law.northwestern.edu/legalclinic/macarthur/projects/treatment/youthparole.html>; Public Act 099-0879, effective 1/1/ 2017 (reducing length of mandatory probation terms for juveniles), <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0879>.

⁴ Public Act 098-1032, effective 8/25/2014, <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=098-1032>.

⁵ Illinois Supreme Court Rule 660A, Expedited Appeals in Delinquent Minor Cases, effective May 1, 2013, <http://www.illinoiscourts.gov/SupremeCourt/Rules/Amend/2013/031513.pdf>; Illinois Supreme Court Rule 943, Use of Restraints on a Minor in Delinquency Proceedings Arising Under the Juvenile Court Act, effective 11/1/2016, http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_IX/ArtIX.htm#943

⁶ See *R.J. v. Bishop*, Case No.: 12-cv-07289, Consent Decree (N.D. Ill., December 6, 2012) and *R.J., v. Jones*, Case No.: 12-cv-07289, Agreed Proposed Remedial Plan (N.D. Ill., April 25, 2014), <http://www.aclu-il.org/r-j-v-bishop/case-documents/>.

⁷ See IDJJ, Annual Report 2016, <https://www.illinois.gov/idjj/Documents/IDJJ%202016%20Annual%20Report%20-%20Final.pdf>; Juvenile Justice Information Exchange, *Reform Trends*, <http://jjie.org/hub/evidence-based-practices/reform-trends>; Janeen Buck *et al*, Urban Institute: *Past, Present, and Future of Juvenile Justice: Assessing the Policy Options* (October 2010), <http://www.urban.org/research/publication/past-present-and-future-juvenile-justice-assessing-policy-options-apo>.

⁸ See Illinois Juvenile Court Act of 1987, 705 ILCS 405/1-5(6) and 705 ILCS 405/1-7 (restricting public access to juvenile court proceedings and delinquency records), <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=1863&ChapterID=50&SeqStart=100000&SeqEnd=2300000>.

⁹ See Emily Bazelon, “Public Access to Juvenile and Family Court: Should the Courtroom Doors Be Open or Closed?” (1999), *Yale Law & Policy Review*: Vol. 18: Issue 1, Article 5, <http://digitalcommons.law.yale.edu/ylpr/vol18/iss1/5>; National Juvenile Justice Network, *Safeguarding the Confidentiality of Youth in the Justice System* (August 2016), http://www.njjn.org/uploads/policy-platforms/Juv-confidentiality_safeguards-recommendations_8.1.16_FINAL.pdf.

¹⁰ See Jan L. Trasen, “Privacy v. Public Access To Juvenile Court Proceedings: Do Closed Hearings Protect the

Child or the System?, 15 B.C. Third World L.J. 359 (1995), <http://lawdigitalcommons.bc.edu/twlj/vol15/iss2/4>.

¹¹ See William McHenry Horne, “The Movement to Open Juvenile Courts: Realizing the Significance of Public Discourse in First Amendment Analysis,” *Indiana Law Review*, Vol 39, No 3 (2006), <https://journals.iupui.edu/index.php/inlawrev/article/view/3770/3720>.

¹² Institute of Judicial Administration, ABA, *Juvenile Justice Standards: Standards Relating to Monitoring*, Standard 1.4, General Principles for Monitoring Systems (1996 edition), http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/JJ_Standards_Monitoring.authcheckdam.pdf.

¹³ See Pew Charitable Trust, “Re-Examining Juvenile Incarceration. High cost, poor outcomes spark shift to alternatives,” (April 20, 2015), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>; Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, National Institute of Justice, “The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model” (October 2016), <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>.

¹⁴ See Sarah Cate, “Possibilities for Decarceration: Juvenile Justice Reform in California,” https://www.sas.upenn.edu/dcc/sites/www.sas.upenn.edu.dcc/files/uploads/DCC%20Workshop%209_2014%20Juvenile%20Justice%20Reform%20in%20California.Sarah%20Cate-2.pdf. See also Sarah Cate, “The Politics of Prison Reform: Juvenile Justice Policy in Texas, California and Pennsylvania,” (2016), Public Accessible Penn Dissertations, 1639, <http://repository.upenn.edu/edissertations/1639>.

¹⁵ See Illinois Probation and Court Services Association, “2017 Directory of Probation and Court Services in Illinois,” p. 8, (listing Illinois’ 16 county juvenile detention centers), <http://ipcsa.org/wp-content/uploads/2015/06/IPCSA-Directory-March-2017.pdf>.

¹⁶ Illinois Administrative Code, Title 20, Chapter IX, Part 2602, County Juvenile Detention Standards, *et seq.*, <ftp://www.ilga.gov/JCAR/AdminCode/020/02002602sections.html>; Illinois Juvenile Justice Commission Annual Report 2009-2010 (describing federal compliance auditing functions), <http://www.dhs.state.il.us/page.aspx?item=55604>.

¹⁷ See U.S. Department of Justice, Judith Jones and Alrin Cohn, *State Ombudsman Programs* (2005), https://ncfy.acf.hhs.gov/sites/default/files/docs/13867-State_Ombudsman_Programs.pdf; ABA Resolution on Correctional Oversight, http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b.authcheckdam.pdf; Institute of Judicial Administration, ABA, *Juvenile Justice Standards: Standards Relating to Monitoring* (1996 edition), http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/JJ_Standards_Monitoring.authcheckdam.pdf; United Nations Convention on the Rights of the Child (2007), *Children’s Rights in Juvenile Justice, Treatment and Conditions*, <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>; European Commission Directorate General Policy Brief: *Children’s Involvement in Criminal, Civil and Administrative Judicial Proceedings in the 28 Member States of the EU* (June 2015), file:///C:/Documents%20and%20Settings/User/My%20Documents/Downloads/DS0415479ENN_002.pdf Association for the Prevention of Torture, *Monitoring Places of Detention: A Practical Guide*, 1.1 Internal Inspections, http://www.ap.torture/files_res/monitoring-guide-en.pdf; UNICEF: *Children in Conflict With the Law*, https://www.unicef.org/chinese/protection/files/Conflict_with_the_Law.pdf. See also, Superior Court of Arizona Law Library: *Ombudsman Programs in the Courts and Justice System Bibliography of Articles and Reports* (2013), <https://www.superiorcourt.maricopa.gov/lawlibrary/Docs/PDF/Bibliographies/Ombudsman.pdf>.

¹⁸ Illinois Administrative Code, Title 20, Chapter IX, Part 2602, County Juvenile Detention Standards, *et seq.*, <ftp://www.ilga.gov/JCAR/AdminCode/020/02002602sections.html>; Illinois Juvenile Justice Commission Annual Report 2009-2010 (describing federal compliance auditing functions), <http://www.dhs.state.il.us/page.aspx?item=55604>.

¹⁹ See Illinois Department of Health and Human Services: JJDP Act Core Requirements, <http://www.dhs.state.il.us/page.aspx?item=43316>. Federal funding under the JJDP Act is contingent upon Illinois auditing jail and detention with compliance with the Act's core regulations. See Illinois Department of Human Services, Juvenile Justice Title II, <http://www.dhs.state.il.us/page.aspx?item=31986>.

²⁰ See, e.g., Illinois Detention and Audit Services Unit, *Inspection Report of the Vermilion County Juvenile Detention Center, September 26, 2016*, <http://www.co.vermilion.il.us/County%20Clerk%20Documents/Table/2016/11%20Illinois%20Department%20of%20Juvenile%20Justice10192016085144.pdf>. See also, *Federal JJDP Act, Illinois Compliance Monitoring Policy and Procedure Manual* (2009), http://www.dhs.state.il.us/OneNetLibrary/27897/documents/CHP/Reports/JuvenileJustice/JuvenileMonitoringComplianceInspectionManual_2010.pdf.

²¹ See ABA, Criminal Justice Section Report to the House of Delegates Recommendation, Requirement # 17: "To meet its informational and problem-solving purposes, the monitoring entity's report about a facility must be readily available to the public, including accessibility through the Internet***in addition to being disseminated to the public, the monitoring report should be distributed to the media, the legislature, and the jurisdiction's top elected official." http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b.authcheckdam.pdf.

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