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**John Howard Association Testimony, April 12, 2023, Illinois  
Department of Juvenile Justice FY24 Proposed Budget  
Illinois Senate Appropriations—Public Safety and Infrastructure Committee**

**I. Correctional experience and expertise:**

John Howard Association (JHA) is the only independent, not for profit, not partisan, citizen correctional oversight organization in Illinois. JHA does not receive any government funding. For over 120 years JHA has been going into Illinois' adult and juvenile prisons to directly observe conditions and speak with staff, administrators and the people who are incarcerated. JHA's work increases system transparency, identifies issues and puts forward recommendations for reform in order to improve conditions of confinement, treatment inside prisons, outcomes upon release from prison and public safety for our communities.

**II. JHA puts forth the following findings and recommendations regarding the proposed budget for the Illinois Department of Juvenile Justice (IDJJ), FY24:**

1. To successfully implement the Governor's 21<sup>st</sup> Century Illinois Transformation Model, announced in 2020, IDJJ must transition away from adult style prisons and resources should be allocated towards a continuum of rehabilitative services for youth living in their home communities, rather than incarceration. Allocation of resources to support this transition is critical to moving Illinois to a juvenile justice system that is less reliant on use of incarceration.
2. Illinois must begin to repurpose, consolidate, and close unsafe and outdated juvenile prisons. Over the last decade changes to law and policy have reduced the youth population in state custody significantly and stakeholders have come to recognize the differences between and the need to treat differently adults and youth impacted by the criminal legal system. The greatly reduced juvenile prison population, recognition that meeting the needs of youth is best done outside of a carceral environment, and chronic infrastructure and culture problems at some facilities all point to consolidating and closing Illinois Youth Centers.
3. IDJJ must be provided with sufficient resources to ensure constitutionally adequate youth safety, mental health care, and educational services, in compliance with the *R.J. v. Mueller* consent decree.
4. Increase the budget of the Office of the Independent Juvenile Ombudsman(OIJO) to further secure the rights of youth in IDJJ facilities and Aftercare programs and to fund expanded jurisdiction of this office should that be codified. The OIJO has proven a valuable partner in the protection of Illinois youth in custody.

### III. Rationale for Recommendations

**Recommendation 1: in order to successfully implement the Governor’s 21<sup>st</sup> Century Illinois Transformation Model, announced in 2020, IDJJ must transition away from adult style prisons and invest resources in building a continuum of rehabilitative programs and services to treat and support youth in their communities.**

The Governor’s 21<sup>st</sup> Century Illinois [Transformation Model](#) for IDJJ is a plan to change the Illinois juvenile justice system from incarcerating youth in adult-style prisons to a closer to home model that provides community-based, wraparound support by establishing a continuum of care and services to support youth development and rehabilitation and maximize youth potential. As the Transformation Model nears the beginning of its fourth year, and despite the lower youth population of IDJJ, the Department continues to operate the same number of outdated adult-style prisons. These facilities do not represent best practices for youth wellbeing and rehabilitation, and uses large amounts of resources that could be allocated to transforming the system into a holistic, community-based one that focuses on the needs of each youth.

In particular, in looking at the largest institutions run by IDJJ, IYC Harrisburg and IYC St. Charles each have a proposed budget greater than the budget for IDJJ’s entire Community Services Division.<sup>1</sup> Harrisburg and St. Charles have proposed Fiscal Year 2024 budgets of over \$21 million and \$24 million, respectively, while approximately \$19.04 million is proposed for the IDJJ Community Services Division. The proposed budget allocates over \$400,000 per youth in custody at Harrisburg, and over \$600,000 per youth in custody at St. Charles, based on the latest public population data.<sup>2</sup> Community-based services should be prioritized over incarceration when making resource and policy decisions concerning IDJJ.

**Recommendation 2: Illinois must repurpose, consolidate, and close unsafe and outdated juvenile prisons. Over the last decade changes to law and policy have reduced the youth population in state custody significantly and stakeholders have come to recognize the differences between and the need to treat differently adults and youth impacted by the criminal legal system. The greatly reduced juvenile prison population, recognition that meeting the needs of youth is best done outside of a carceral environment, and chronic infrastructure and culture problems at some facilities all point to consolidating and closing facilities.**

The IDJJ population has sharply declined in recent years, from over 700 to under 200.<sup>3</sup> This presents an opportunity to repurpose, consolidate, and close outdated and counter-productive facilities. The population reduction reflects that stakeholders including lawmakers, jurists, and scholars have recognized that youth must be treated differently than adults are in the criminal legal system. Illinois statute, the U.S. Supreme Court decision *Miller v. Alabama*, and an

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<sup>1</sup> *Illinois State Budget: Fiscal Year 2024*, 302 (IYC Harrisburg: \$21,868,800, IYC St. Charles: \$24,935,400) <https://budget.illinois.gov/content/dam/soi/en/web/budget/documents/budget-book/fy2024-budget-book/Fiscal-Year-2024-Operating-Budget.pdf>

<sup>2</sup> IDJJ *Monthly Report: November 2022*, Section 1 (Average daily facility population for January-November 2022) <https://idjj.illinois.gov/content/dam/soi/en/web/idjj/djj-reports-starting-aug-2022/November%202022%20MONTHly%20Report.pdf>; *Illinois State Budget: Fiscal Year 2024*, 302 <https://budget.illinois.gov/content/dam/soi/en/web/budget/documents/budget-book/fy2024-budget-book/Fiscal-Year-2024-Operating-Budget.pdf>.

<sup>3</sup> IDJJ *Monthly Report: November 2022*, Chart 1, <https://idjj.illinois.gov/content/dam/soi/en/web/idjj/djj-reports-starting-aug-2022/> (measuring the past 8 fiscal years).

established scholarly consensus affirm that youth are more vulnerable to harm and less culpable than adults.<sup>4</sup> Facilities also have endemic infrastructure and culture problems that have harmed youth wellbeing and outcomes.<sup>5</sup> Repurposing, consolidating, and closing outdated and dangerous youth prisons will build on the significant reforms that have occurred in Illinois over the last decade, following evidence that community-based alternatives to incarceration have better outcomes for youth and for society as a whole.

**Recommendation 3: IDJJ must be provided with sufficient resources to ensure constitutionally adequate youth safety, mental health care, and educational services, in compliance with the *R.J. v. Mueller* consent decree.**

The IDJJ proposed FY 2024 budget allocates resources to improve staffing ratios and provide educational and mental health services in compliance with the *R.J. v. Mueller* consent decree. The budget prioritizes implementation of evidence-based and cognitive behavioral interventions, restorative justice and trauma training. JHA recommends that IDJJ be resourced at the Department's requested amount for FY 2024 to ensure that incarcerated youth are protected, that their needs are met, and that ongoing efforts to improve internal policies and practices continue. Since 2012, efforts to come into compliance with consent decree have been ongoing, and resources are needed to address remaining areas in need of attention. The Department should be resourced to meet the basic needs of youth in custody, in compliance with the *R.J. v. Mueller* consent decree.

**Recommendation 4: Increase the budget of the Office of the Independent Juvenile Ombudsman (OIJO) to further secure the rights of youth in IDJJ facilities and Aftercare programs and to fund expanded jurisdiction of this office should that be codified. The OIJO has proven a valuable partner in the protection of Illinois youth in custody.**

The Office of the Independent Juvenile Ombudsperson (OIJO), exists to safeguard the rights of youth in custody, and has proven an invaluable resource for youth, their families, and the system as a whole. The proposed FY24 budget appropriates just over \$400,000 for the OIJO, which should be increased for two reasons. The Office has historically been under-resourced, and funding should also be allocated to expand the jurisdiction of the Office to cover youth in county juvenile detention centers, should the pending measure to do this become codified. County facilities detain significantly more youth than IDJJ does on any given day, and the jurisdiction of the OIJO should be expanded through statute so the Office can provide advocacy and assistance to all youth in custody in Illinois. Implementing a jurisdiction expansion requires resources primarily in the form of new staff. The OIJO's benefits for youth in IDJJ have been enormous since its creation in 2015. The Office responds to youth reports of mistreatment, advocates on their behalf with system administrators, and reports on systemic problems within the system. Along with benefiting youth, the OIJO has likely saved the State resources in the form of avoided litigation. Funding for the Office should be increased so that it can build on its efforts to assist youth in State custody, and to resource a jurisdiction expansion to youth in county custody.

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<sup>4</sup> See *Miller v. Alabama*, 132 S. Ct. 2455, 2468 (2012); *Illinois Becomes the First State to Ban Police from Lying to Juveniles During Interrogation*, INNOCENCE PROJECT (July 15, 2021); <https://innocenceproject.org/illinois-first-state-to-ban-police-lying/>. MacArthur Foundation, Research Network on Adolescent Development & Juvenile Justice (2017) <https://www.macfound.org/networks/research-network-on-adolescent-development-juvenil>

<sup>5</sup> See *Former Illinois Youth Center Guard Convicted of Facilitating 'Culture of Violence' Among Detainees*, (2022) <https://foxvalleymagazine.com/2022/10/04/former-illinois-youth-center-guard-convicted-of-facilitating-culture-of-violence-among-detainees/>; *ACLU Sues IYC Harrisburg on Behalf of IYC Staff in Criminal Complaint* <https://www.aclu-il.org/en/news/southern-aclu-sues-iyh-harrisburg-behalf-iyh-staff-criminal-complaint> (2017).

In closing, JHA asks this committee to consider this submitted testimony and the recommendations contained herein. IDJJ must be adequately resourced to care for youth in state custody, implement plans designed to transform the juvenile justice system, and to expand the Office of Juvenile Ombudsman to serve and protect all youth in criminal justice custody.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Jennifer Vollen-Katz".

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