
**Illinois Senate Special Committee on Criminal Law and Public Safety
SB 2197, Increase Protection for Youth in County Detention Centers
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March 9, 2023**

The John Howard Association (JHA) is the only statewide, independent, not for profit, nonpartisan, citizen correctional oversight organization in Illinois. For more than 120 years JHA has been monitoring Illinois' prisons, adult and juvenile, going inside to directly observe conditions and speak with people who are incarcerated, correctional staff, and administrators. JHA issues reports that include key findings and recommendations, and we advocate for needed reforms to improve the conditions of confinement inside prisons and respect the humanity of people who are incarcerated. JHA believes it is critical that we increase transparency around prisons and jails so that the government agencies that hold people in custody can be held accountable for the treatment and conditions experienced by people who are incarcerated.

JHA submits this testimony to the Illinois Senate Special Committee on Criminal Law and Public Safety in support of SB 2197, the bill to increase protection for youth in county juvenile detention centers by expanding the oversight powers of the existing Office of Independent Juvenile Ombudsman (OIJO). The OIJO provides oversight to the Illinois Department of Juvenile Justice (DJJ), and has made a difference in our system and in the lives of the youth in state custody since its 2015 creation. The benefits of having an independent office with access to facilities, investigatory power, and the responsibility for responding to youth complaints and reporting information to the public cannot be overstated. Systems become more humane when oversight is in place and resources are utilized more effectively to improve outcomes. In JHA's routine facility monitoring we have observed the impact of the OIJO, and youth regularly report to us that they utilize the Ombuds office to get information, report problems, and receive support.

The OIJO was established to ensure the rights of youth committed to Illinois' juvenile prisons under the control of the DJJ were protected and to create accountability and transparency through public reporting.¹ Since its creation and despite minimal resources and staffing, the OIJO has been vital to identifying and rectifying issues and protecting youth welfare while furthering Illinois' agenda of juvenile justice reform and public accountability. It has accomplished these goals by continually, repeatedly visiting facilities; timely responding to youth grievances and presenting these to administration for resolution; maintaining direct, confidential, ongoing contact with youth and families or other outside supports; building trusting relationships with youth, family and DJJ; and providing candid, fair, uncompromised public reports on treatment and conditions in DJJ facilities, requiring a

¹ See 730 ILCS 5/3-2.7-1 et seq.

public response by DJJ.² The OIJO has also taken steps to sound the public alarm when resolution of a serious problem has not occurred and youth in state custody have been imperiled, allowing other stakeholders to seek change through alternate avenues.³ Through its provision of oversight, this office has increased accountability and transparency regarding conditions and treatment of youth in DJJ facilities.

The OIJO's role is to ensure that the rights of youth committed to DJJ are protected, and to assist in pursuing services for committed youth and their families determined to be in need of assistance. Currently this oversight and its benefits only extends to youth in state custody. The many youth who are held in county-run juvenile detention facilities do not have access to the services, support, and protections provided by the OIJO. Expansion of this oversight is critically needed; youth are a vulnerable population lacking many safeguards accessible to adults. Youth require greater protections when they are removed from their homes and are in the custody of the state or county. Additionally, policy changes in Illinois have led to more youth being committed to county detention centers rather than to DJJ, and very little information is available about how youth are treated in county facilities. As of November 2022, there were 161 youth incarcerated in five DJJ facilities⁴, compared to more than 700 youth at six facilities at the start of 2015 when OIJO was created. By comparison, there are on average about 416 youth in county detention centers on a daily basis, based on aggregate information available in the February 2022 Monthly Data Report published by the Illinois Juvenile Justice Commission.⁵ Despite composing the majority of the population of Illinois youth in custody, youth in county detention centers do not have access to an independent office to request assistance, obtain information, communicate to confidentially or seek relief. The OIJO has proven to be an important partner in the protection of Illinois' youth who are in custody; access to this partnership should be available to every youth who is in conflict with the law and removed from their family/community.

Current oversight of county juvenile centers is limited in scope and not designed to focus on protecting and assisting youth. In the past two years, the Administrative Office of the Illinois Courts (AOIC) and DJJ have updated sets of standards for county juvenile detention centers, and began to conduct compliance audits of those standards.⁶ These efforts are an improvement and are commendable. However, there is no entity that maintains direct, confidential communication with the youth in detention or their families. Additionally, best practice calls for oversight conducted by an entity independent of the facilities and of the entities that maintain standards for the facilities, and centralizing data collection and reporting of youth grievances in the system.

To protect the health, welfare, and rights of youth in county detention facilities, and to foster transparency and public accountability, the statute creating the OIJO should be amended to expand the

² See Office of the Independent Juv. Ombudsman website (publishing annual summary reports and DJJ responses), <https://idjj.illinois.gov/resources-research/independent-ombudsman.html>.

³ See Office of the Independent Juv. Ombudsman, *Annual Report, State Fiscal Year 2018*, 25 <https://idjj.illinois.gov/content/dam/soi/en/web/idjj/site-assets/pages/independent-ombudsman/oijo-annual-report-2018.pdf> (“Pipeline to Prison”).

⁴ See Ill. Dep't. Juv. Just., Monthly Report: November 2022, <https://idjj.illinois.gov/content/dam/soi/en/web/idjj/djj-reports-starting-aug-2022/November%202022%20Monthly%20Report.pdf> (most recent available).

⁵ See Illinois Juv. Just. Commission, *JMIS Monthly Data Report* (Feb. 2022), <https://ijjc.illinois.gov/wp-content/uploads/2022/06/JMIS-Monthly-Data-Report-February-2022.pdf>.

⁶ See Ill. Dep't. Juv. Just., *County Detention Centers* (2022), <https://idjj.illinois.gov/facilities/county-detention-centers.html>; Admin. Off. Ill. Cts., *Juvenile Detention* (2023) <https://www.probation.illinoiscourts.gov/juvenile-detention#h.7c5cbmb3xqul>.

scope of the Ombudsman’s jurisdiction to include monitoring and public reporting on **all** facilities that hold Illinois youth in custody. Capacity for the Office should be increased to allow it to fulfill the expanded role of monitoring both DJJ’s five youth facilities and Illinois’ 16 county juvenile detention centers. The costs of expanding this office are minimal, particularly when compared to the need to protect the safety and welfare of youth in county custody and the inevitable costs of litigation due to failure to provide adequate conditions and humane treatment to youth inside facilities. The risk to youths’ welfare is serious; 2022 inspections of county detention centers documented concerning conditions at multiple facilities across the state.⁷ As a cautionary example, lawmakers need only look to the case of Cook County’s Juvenile Temporary Detention Center which, in the absence of adequate independent oversight, was subject to decades-long litigation necessary to remedy unconstitutional conditions of confinement.⁸

In the summer of 2020, Governor Pritzker announced plans to transform juvenile justice in Illinois. JHA applauded the Governor’s plan and continues to support the closure of our remaining state run Illinois Youth Centers in favor of a system that keeps youth in their homes and communities and provides the supports and assistance needed to foster rehabilitation and a law abiding path forward for them.⁹ A plan to close state-run facilities and keep youth at or at least closer to home inherently acknowledges the importance of families and loved ones being involved in the lives of their children and the harms that can come to them when they are removed from support networks and public view. As greater change is made throughout the state juvenile justice system, youth will and are already more frequently ending up in county detention centers than DJJ. DJJ is currently changing many of its operations to better address this population shift, including piloting mobile intake units to assess youth who are in county custody without transferring them to a DJJ facility and as possible, releasing them directly from detention centers to community-based case management and support systems to better address their needs. As more reforms are implemented, this population shift will continue to increase, making it critical that oversight be provided in the facilities where the greatest number of youth are in custody, juvenile detention centers. This is why it is critical to expand the reach of the OIJO so that all youth in custody, state, or county, have access to the protections afforded by this office.

Democracy rests on the ability of government actors and the public to see and question use of resources, care of people in custody, and to gauge system functionality and guide decision-making. Ombuds offices act as a legislatively mandated check on executive and judicial use of authority, fostering a system of checks and balances needed to ensure accountability and protect people. Prisons and jails are uniquely opaque, requiring increased scrutiny and information sharing to assess the safety, health and wellbeing of people who are removed from their loved ones and the general public. Youth are a vulnerable

⁷ See John Howard Ass’n., *Statement on the Need for Increased Independent Oversight in Illinois County Juvenile Detention Centers*, (Dec. 2022),

<https://static1.squarespace.com/static/5beab48285ede1f7e8102102/t/6398c7d9e98223587c72333b/1670957018100/JHA+Statement+on+the+Need+for+Increased+Independent+Oversight+for+IL+JDCs+12.13.22+Final.pdf>.

⁸ See ACLU of Ill., *Jimmy Doe v. Cook County*, <https://www.aclu-il.org/en/cases/jimmy-doe-v-cook-county> Civ. Rights Clearinghouse, *Jimmy Doe v. Cook County: Case Summary*, <https://clearinghouse.net/case/9633/> Lori Turner, *Using Impact Litigation as a Tool For Social Change: Jimmy Doe: A Case Study*, HARVARD C.R. –C.L. L. REV. (2010) http://harvardcrcl.org/wp-content/uploads/2010/08/Turner_Publish.pdf (documenting years of litigation).

⁹ See John Howard Ass’n., *Announcement by Governor Pritzker to Transform Juvenile Justice in Illinois Statement by the John Howard Association*, July 31, 2020, <https://static1.squarespace.com/static/5beab48285ede1f7e8102102/t/5f246d86b047644522d9e796/1596222855645/JHA+Statement+Juvenile+Justice+System+7.31.2020.pdf>.

population, and research shows that although youth often lack the ability to exercise sound judgment, they have increased capacity to change and engage in rehabilitation.¹⁰ Likewise, incarceration, particularly incarceration that is violative of children's rights, can have incredibly harmful lifelong detrimental impacts.¹¹ Despite knowing this, we continue to limit youth in county custody's access to available proven protections provided to their counterparts in state custody through the OIJO. This is unfair, inhumane, counterintuitive, and counterproductive. Illinois' youth must be protected wherever they are.

Respectfully submitted,

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¹⁰ See generally MacArthur Foundation, *Research Network on Adolescent Development & Juvenile Justice* (2017) (collecting juvenile justice research) <https://www.macfound.org/networks/research-network-on-adolescent-development-juvenil>.

¹¹ See Barry Holman & Jason Zidenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, JUST. POLICY INST. (2006) <https://static1.squarespace.com/static/63d1611dce49d866f7193ab1/t/63dbca3f5090db5ad999070a/1675348556109/JJI-Detention-Report-May-4-2018+FINAL.pdf>.