
John Howard Association Statement
on the Need for Increased Independent Oversight
in Illinois County Juvenile Detention Centers
December 2022

The ongoing crisis¹ of excessive isolation in county-run juvenile detention centers (county detention centers) demonstrates that these facilities need greater public oversight. County detention centers, which detain some children accused of crimes during juvenile court trials, hold the majority of incarcerated youth in Illinois.² **Despite incarcerating more children than state-run juvenile justice facilities, county detention centers have less oversight.** Currently, the Illinois Office of the Independent Juvenile Ombudsman (OIJO) has oversight authority over state-run facilities, but not county detention centers.³ The OIJO responds to complaints by youth in state custody and provides them with information, promoting the interests of safety, fairness, humanity, and transparency in the juvenile justice system.⁴ The jurisdiction of the office should be expanded to cover youth who are held in county detention centers, empowering the OIJO to investigate complaints from youth at county detention centers, inform government officials about problems, and make regular reports to the public. All incarcerated youth in Illinois should be able to report problems to an independent oversight office. Centralizing oversight authority in one office will also make good use of scarce resources while helping public officials identify and address widespread problems in the county juvenile detention system.

The John Howard Association of Illinois (JHA) reviews the reports issued by the inspection oversight currently in place over county detention centers, available on the Illinois Department of Juvenile Justice (IDJJ) [website](#). More detailed information is needed to understand the situation faced by youth in county detention. In Illinois, the IDJJ and the Administrative Office of the Illinois Courts (AOIC) share authority to set standards for county detention centers, and both bodies recently made welcome updates.⁵ The standards that were adopted by IDJJ, and made effective on June 29, 2021, primarily regulate the physical conditions of county detention centers and the treatment of youth in custody with respect to their health and safety.⁶ JHA participated in the update of a second set of applicable standards with the AOIC and juvenile county detention center administrators, effective January 1, 2022.⁷ The second set of standards set requirements related to staff and to the quality of services and programs provided to youth.⁸

¹ See John Albright, *2022 Franklin County Juvenile Detention Center Inspection Report*, ILL. DEP'T. JUV. JUST., 1 (Feb. 2, 2022), available [here](#) (describing a "facility in crisis").

² See *Testimony of Jennifer Vollen-Katz, Executive Director, John Howard Association to Illinois House Judiciary Criminal Law Committee: HB 5273, Expanding Jurisdiction of the Office of Independent Juvenile Ombudsman*, JOHN HOWARD ASS'N. ILL., (2022), available [here](#) [hereinafter JHA Testimony].

³ See 730 ILCS 5/3-2.7-25.

⁴ *Id.*

⁵ See Marcia M. Meis, *Juvenile Detention Standards*, ILL. OFF. ADMIN. CTS., 39 (Jan. 1, 2022) available [here](#).

⁶ See 20 Ill. Admin. Code § 2602 (2021), available [here](#).

⁷ See Meis, *supra* [note 5](#).

⁸ *Id.* at 5.

Both new sets of standards demonstrate progress; however, the work is not yet complete without an independent oversight body that is empowered to confidentially communicate with youth in detention and investigate their complaints. The need to support youth in county custody is not a theoretical one. Recent inspections have begun to document pervasive issues at county detention centers, including the excessive isolation of youth detained in Knox, Franklin, Adams, LaSalle, Madison, St. Clair, Will, Winnebago, and Cook Counties.⁹ **The civil rights of youth who are in the custody of any criminal justice agency, state or county, will not be adequately protected without the support and assistance of a trusted adult to advocate for and protect those rights. They should have access to an independent office that is charged with providing oversight, reporting and investigating problems and abuses, and seeking their protection.**

Incarcerated youth are highly vulnerable to mistreatment. They have been removed from their families and guardians and are in government custody, with little ability to access information, assert their rights, or self-advocate.¹⁰ Research shows that minors who are separated from adults do not have the resources necessary to protect their civil rights. For example, children are not fully competent to assert their rights in criminal trials, putting them in danger of being wrongfully convicted.¹¹ Youth are also at disproportionate risk of sexual assault while incarcerated when compared to similarly situated adults.¹² The scholarly consensus about children's heightened vulnerability has also shaped law and policy in recent years.

The law recognizes that children need more protection from the criminal legal system than adults do. The Supreme Court affirmed in *Miller v. Alabama* that children are less culpable for criminal behavior than adults are due to children's developmental immaturity.¹³ Many federal courts also provide for greater civil rights for children in detention than for similarly situated adults.¹⁴ For example, a court ruled that the Cook County Juvenile Temporary Detention Center (JTDC) is required to act in the best interest of youth detained there because the youth have been removed from their guardians.¹⁵ Finally, the vulnerability of children to coerced or false confessions also led to Illinois prohibiting police from lying to youth during interrogations.¹⁶ These are important and long sought after developments that reinforce the need to protect children in custody.

Many Illinois youth in custody also have additional factors that make them particularly vulnerable to mistreatment. Mental illness is pervasive in juvenile justice settings; data from the IDJJ shows that over 99% of youth in their custody have at least one diagnosed mental illness.¹⁷ Detention is inherently harmful to youth with mental illnesses, and many are unable to get necessary mental health treatment while in custody.¹⁸ The life circumstances of some detained children also indicate that they have few external resources. Dozens of youth in Illinois detention centers are wards of the state whom a judge has ordered released, but who continue to be detained for weeks or months because the Illinois Department of Children and Family Services cannot find a home for

⁹ See *County Detention Centers*, ILL. DEP'T. JUV. JUST., (accessed Sept. 29, 2022), available [here](#) (Cook County report available [here](#), LaSalle County [here](#), Madison County [here](#), St. Clair County [here](#), Will County [here](#), Winnebago County [here](#)).

¹⁰ See JHA Testimony, *supra* [note 2](#).

¹¹ See Thomas Grisso et al., *Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants*, 27 L. & HUM. BEHAV. 333 (2003), available [here](#).

¹² See *National Prison Rape Elimination Commission Report*, U.S. DEP'T. JUST., OFF. JUST. PROGRAMS 142–145, available [here](#).

¹³ See *Miller v. Alabama*, 132 S. Ct. 2455, 2468 (2012), available [here](#).

¹⁴ See James Austin, et al., *Juveniles in Adult Prisons and Jails: A National Assessment*, 12 DEP'T. J., BUR. J. ASSISTANCE (2000), available [here](#).

¹⁵ See *T.S. v. Twentieth Century Fox*, F. Supp. 3d 749, 804 (N.D. Ill. 2021), available [here](#).

¹⁶ See *Illinois Becomes the First State to Ban Police from Lying to Juveniles During Interrogation*, INNOCENCE PROJECT (July 15, 2021), available [here](#).

¹⁷ See *Monthly Report: August 2022*, ILL. DEP'T JUV. JUST., 4 (accessed Nov. 15, 2022), available [here](#).

¹⁸ See *Stemming the Tide: Diverting Youth with Mental Health Conditions from the Illinois Juvenile Justice System*, ILL. MENTAL HEALTH OPPORTUNITIES FOR YOUTH DIVERSION TASK FORCE, 8 (2018), available [here](#).

them.¹⁹ The fact that these youth have nowhere to live and have no guardian other than the state government suggests that they are in need of support. **Instead, recent inspection reports show that unacceptable living conditions and staff practices have flourished under the current county detention center system.**²⁰

The IDJJ Chief of Performance and Innovation (CPI) has inspected twelve county detention centers in 2022 for compliance with IDJJ standards.²¹ **While the reports are relatively brief, they show that nine county detention centers violated regulations by excessively isolating youth.** Knox County's detention center, known as the Mary Davis Home, maintains a separate segregation²² wing of the detention center where youth are isolated for months on end. Youth held in segregation at the Mary Davis Home do not go to school or receive mental health services.²³ In Franklin County Detention Center, youth are almost constantly "isolated in their room or in a slightly larger dayroom."²⁴ None of the youth in the Franklin County Detention Center are allowed to go outside for recreation, they are required to complete educational materials in their rooms instead of together in a classroom, and staff offer them showers only every other day.²⁵ The CPI also found excessive isolation at detention centers in Adams, LaSalle, Madison, St. Clair, Will, Winnebago, and Cook Counties.²⁶ Youth in these nine facilities have not received the minimum level of care to which all children are entitled.

The CPI inspection of the Cook County JTDC confirmed earlier, more detailed reports about isolation at the facility. The JTDC has experienced more outside intervention than other Illinois county detention centers, and provides a case study in how problems can persist at these facilities over time.²⁷ Following a long history of problems at the facility, consistent reports of excessive isolation have emerged from the JTDC since 2018.²⁸ The Cook County JTDC Advisory Board (Advisory Board) condemned the use of isolation in its 2019 and 2020 reports, and the Circuit Court of Cook County, which administers the JTDC, launched a Blue Ribbon Committee (Committee) investigation into JTDC practices in 2021. The Committee's Chair delivered a grim report in May 2022.²⁹

The report found that the JTDC isolates youth for "most of the day every day," warehousing them rather than offering rehabilitative services.³⁰ Specifically, the report found staff routinely lock youth alone in their cells for at least 13 hours every day, and frequently add more isolation time for a variety of reasons.³¹ Experts agree that isolation harms youth psychologically, causing

¹⁹ See Rachel Hinton & David Jackson, *Foster Children Held in Jails, Shelters — Workers Threatened, Attacked: A State Agency in Crisis*, BETTER GOV. ASS'N. (May 26, 2022), available [here](#).

²⁰ See *County Detention Centers*, ILL. DEP'T. JUV. JUST. (accessed Dec. 11, 2022), available [here](#).

²¹ *Id.*

²² John Albright, *2022 Inspection Report: Knox County*, ILL. DEP'T. JUV. JUST., 6 (Feb. 2, 2022), available [here](#).

²³ *Id.*

²⁴ John Albright, *2022 Franklin County Juvenile Detention Center Inspection Report*, ILL. DEP'T. JUV. JUST., 7 (Feb. 2, 2022), available [here](#).

²⁵ *Id.*

²⁶ See *County Detention Centers*, *supra* [note 20](#); (Adams County report available [here](#), Cook County [here](#), LaSalle County [here](#), Madison County [here](#), St. Clair County [here](#), Will County [here](#), Winnebago County [here](#)).

²⁷ See, e.g., Chris Bernard, *CCJTDC: Heading in the Right Direction, but Still a Long Road Ahead*, JOHN HOWARD ASS'N. ILL. (Nov. 5, 2010), available [here](#); and Patrick Smith, *Cook County To End Practice of Making Kids Spend Weekend in Jail Before They See a Judge*, WBEZ (Sept. 20, 2016), available [here](#).

²⁸ See Jonah Newman, *Solitary Confinement of Juveniles on the Rise in Cook County*, CHICAGO REP. (May 1, 2018), available [here](#).

²⁹ See *Chief Judge Evans Establishes Blue Ribbon Committee of Experts to Advise on Best Practices for Juvenile Detention*, CIR. CT. COOK CTY. (Apr. 14, 2021), available [here](#); Gene Griffin, J.D., Ph.D., *Final Report of the Blue Ribbon Committee Chair* (May 16, 2022), available [here](#).

³⁰ Gene Griffin, J.D., Ph.D., *Final Report of the Blue Ribbon Committee Chair*, 9 (May 16, 2022), available [here](#).

³¹ *Id.* at 12.

symptoms including severe depression, hallucinations, weight loss, and self-harm.³² Young people experience time in isolation as longer than adults do, and the American Academy of Child and Adolescent Psychiatry states that adolescents are particularly at risk from harm in isolation because of their “developmental vulnerability.”³³ Isolation also damages children's social and emotional development in addition to harming them psychologically. Nurturing and supportive contact is vital to a child’s developing identity, and youth in custody have been shown to exhibit better behavior when they have regular time with loved ones.³⁴

The Circuit Court of Cook County announced positive policy changes for the JTDC in October 2022, but the changes have little hope of successful implementation without independent oversight and greater transparency. The new policy limits youth isolation at the JTDC, a welcome step.³⁵ However, the JTDC still has no independent oversight body, and future public reporting will be limited to a basic census of detained youth.³⁶ Public reporting that focuses on demographic data omits any information about the treatment that youth receive, living conditions inside the facility, and other problems common in juvenile detention. Inadequate oversight makes the new policy much less likely to succeed, because detention centers historically have been unable to hold themselves accountable for policy failures. In fact, the JTDC failed to submit important data about the use of isolation when both the Committee and the Advisory Board that information.³⁷ **It is a situation like this—when a detention center obscures relevant information from investigators—that the need for increased oversight, transparency, and mechanisms to hold facilities accountable for the safety and wellbeing of youth in county detention centers is made clear.**

The Committee repeatedly noted that data supplied by the JTDC did not accurately depict how long the detention center isolates youth in their rooms. The JTDC excluded twelve hours each night from its reports to the Committee by classifying that time as “sleeping hours.”³⁸ The report dismissed the JTDC’s exclusion of twelve hours each night as “semantics,” concluding that the harm of being locked alone in a cell “does not diminish because it is categorized as ‘sleeping.’”³⁹ The JTDC uses twenty-four different terms for isolating youth, and its reports to the Committee consistently contained “information gaps.”⁴⁰ Misnaming isolation practices has occurred for years in juvenile justice institutions, making it much more difficult for people outside the system to discover problems.⁴¹

This is also not the first or only time that observers have noted lack of transparency and concealing information at the JTDC. The JTDC “took steps to minimize scrutiny” from the court-appointed monitor during the lawsuit filed by the ACLU.⁴² The Advisory Board also encountered

³² See *Alone & Afraid: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities*, ACLU, 4 (June 2014), available [here](#).

³³ *Annual Report 2019: On the Use of Solitary Confinement with Youth in Detention in Cook County*, COOK CTY. JUV. DET. CTR. ADVISORY BD. (Nov. 30, 2019), available [here](#).

³⁴ Jessica Lee, *Lonely Too Long: Redefining and Reforming Juvenile Solitary Confinement*, 85 *Ford. L. Rev.* 845, 858 (2016), available [here](#).

³⁵ See CIR. CT. COOK CTY., *Chief Judge Evans Announces Improvements for Juvenile Temporary Detention Center*, (Oct. 25, 2022) available [here](#).

³⁶ See CIR. CT. COOK CTY., *Court Statistics and Reports: Juvenile Temporary Detention Center - Daily Population Reports*, (Nov. 17, 2022) available [here](#).

³⁷ See Newman, *supra* note 28.

³⁸ Griffin, *supra* note 30, at 12.

³⁹ *Id.*

⁴⁰ *Id.* at 50-51.

⁴¹ See Rachel Barth, *US Prisons Are Trying to Rebrand Solitary Confinement*, *BUS. INSIDER* (Apr. 14, 2014), available [here](#).

⁴² *T.S. v. Twentieth Century Fox Television*, 548 F. Supp. 3d 749, 775 (N.D. Ill. 2021).

difficulties when compiling a 2019 report on the use of isolation at that JTDC, reporting that it never obtained “meaningful data” about the practice from JTDC administrators.⁴³

The Advisory Board and Committee both called for greater public oversight of the JTDC after facing a lack of transparency at the facility. The Advisory Board recommended mandated public data reporting by the JTDC in both its November 2019 and December 2020 reports,⁴⁴ and the Committee advised in May 2022 that a person or agency be appointed to “oversee” the JTDC’s reform efforts while collecting data about the facility.⁴⁵ **The fact that three recent investigations into the JTDC recommended increased transparency should be considered strong evidence of the need to require independent oversight of and greater protections for youth in not only this but in every county detention center.**

Steps have already been taken to do just this. In 2021 Illinois Representative Edgar Gonzalez Jr. and Senator Karina Villa proposed a law to significantly expand oversight over juvenile county detention centers. [HB 5273](#) expands the OIJO’s jurisdiction to cover these facilities along with the state-run juvenile facilities or Illinois Youth Centers.⁴⁶ Since its creation in 2015, the OIJO has investigated complaints by youth in IDJJ custody and monitored conditions at IDJJ facilities.⁴⁷ The office has the authority to meet confidentially with youth, to present their grievances to corrections administrators, and to review otherwise confidential records.⁴⁸ The office also makes its staff accessible to youth and their families, and has taken steps to alert the public when a serious unresolved issue imperiled youth in state custody. The OIJO has proven to be an important resource for youth in IDJJ custody while also bringing greater transparency to the system. Mandating OIJO oversight of county detention centers will bring conditions at these facilities into the public eye, provide valuable information to community members and other stakeholders, and lead to greater accountability for the treatment of youth in county custody.

Expanding the jurisdiction of the OIJO will provide the children in county custody with an empowered public office where they can report issues, concerns, and abuse, and which is able to investigate and seek meaningful recourse on their behalf. Enacting HB 5273 will be a critical step in increasing public oversight of county detention centers, bringing greater transparency and accountability to the system, and providing more safeguards for youth removed from their homes and loved ones. **Every young person detained in Illinois should have the protections afforded by independent oversight, and we should all have more information about what is actually happening inside these facilities.**



For more information and media inquiries, please contact Jennifer Vollen-Katz at jvollen@thejha.org or the JHA website, www.thejha.org

⁴³ See COOK CTY. JUV. DET. CTR. ADVISORY BD., *supra* note 33, at 6.

⁴⁴ *Id.*; *Juvenile Temporary Detention Center Advisory Board – 2020 Annual Report*, COOK CTY. JUV. DET. CTR. ADVISORY BD., 2 (Dec. 20, 2020), available [here](#).

⁴⁵ Griffin, *supra* note 30, at 28.

⁴⁶ See *Bill Status of HB 5273*, ILL. GEN. ASSEMBLY (accessed Nov. 29, 2022, 8:48 AM), available [here](#).

⁴⁷ See JHA Testimony, *supra* note 2.

⁴⁸ See *FY 2021 Report*, ILL. OFF. INDEPENDENT JUV. OMBUDSMAN, 2 (Dec. 30, 2021), available [here](#).