

## March 2018

### Response to the Independent Office of the Juvenile Ombudsman's 2017 Annual Report

On January 1st, 2018, the Office of the Independent Juvenile Ombudsman ("OIJO") issued its second annual report (the "Report") on the Illinois Department of Juvenile Justice (the "Department") to the Governor and the General Assembly pursuant to 730 ILCS 5/3-2.7-35. The Report documented the Ombudsman's work during Fiscal Year 2017 (July 1, 2016 through June 30, 2017).

#### COMPLAINTS, ISSUES, AND INQUIRIES

In the Report, the OIJO identified eight main concerns routinely raised by youth, including: (1) Youth Charged with Aggravated Battery of a Peace Officer at IYC Harrisburg; (2) Use of Excessive Force and Staff Misconduct; (3) Racial Discrimination; (4) Excessive Room-Time; (5) Mental Health Treatment; (6) Youth Disciplinary Reports; (7) Family Visitation, and; (8) Aftercare placement.

##### 1. Felony Criminal Charges of Aggravated Battery of a Peace Officer

In the Report, the OIJO expressed concerns with youth at IYC-Harrisburg receiving felony charges in Saline County for staff assaults.

Although the charges were initiated by individual staff members as opposed to the Department, the Department has been working to improve the environment and climate at IYC Harrisburg to help staff feel more supported by the administration, improve relationships between youth and staff, and reduce conflicts between staff and youths. In response to concerns raised by the American Civil Liberties Union (ACLU) in the *RJ* Consent Decree case, the Department drafted and is currently implementing a plan to address the tensions between youth and staff at IYC Harrisburg. The plan includes increased transparency and communication, the creation of a staff wellness committee, and further training for staff in youth behavior management. In addition, all staff at IYC Harrisburg and throughout the Department are currently receiving training in Crisis Prevention Institute (CPI) intervention techniques and the Department's new behavioral management policies.

##### 2. Excessive Use of Force and Inappropriate Staff Conduct

Excessive use of force, including choking, and inappropriate staff conduct were other issues identified by the OIJO. When the OIJO notified the Department about the increase in youth complaints about staff choking youth at IYC-Harrisburg, the Department reviewed the incidents and took corrective action. In the majority of the incidents reviewed, staff were attempting to break up fights between youths. The facility issued a Superintendent's Bulletin that was read at all roll-calls reminding staff to avoid grabbing youth around the upper chest or neck area when physically intervening. Since issuing that directive, the number of such complaints dramatically decreased, as noted by the OIJO.

The Department's process for reviewing incidents that require staff intervention has also been strengthened. A debriefing is conducted with facility staff and again with the youth involved to ensure proper procedures were followed, and to identify areas where additional training and restoration are needed. If further review is deemed necessary, the Department will initiate an investigation, including

counseling or discipline for involved employees as appropriate. The Department continues to review relevant policies with staff during roll-calls and work toward building relationships between staff and youth throughout the Department.

The Department has also been providing an enhanced Crisis Prevention Institute (CPI) training to provide security staff with additional tools for safely de-escalating situations and how to use safe, non-violent physical intervention techniques as a last resort when youth pose a risk of danger to themselves or others. Throughout 2018, staff will receive on-going training, coaching, and follow up regarding the use of these techniques.

### **3. Racial Discrimination**

The OIJO also reported receiving allegations of racial discrimination from youth at IYC-Harrisburg and IYC- Pere Marquette. The Department has zero-tolerance for discrimination of any kind. Department policy mandates that all employees must refrain from any action that may be considered discriminating or harassing. As with other youth complaints, the Department reviews all allegations, determines whether further investigation is warranted, and takes corrective action, as appropriate. Unfortunately, allegations concerning verbal comments are often difficult to substantiate because the current camera system within the Department does not record audio, and because witnesses may not be present to substantiate claims.

To ensure ongoing awareness of the impact on youth and staff of racial bias and discrimination, facility trainings have been provided in areas of cultural competency and implicit bias. In 2018, the Department plans to provide additional trainings in implicit bias at IYC Harrisburg and IYC Pere Marquette. Post January 2017, the OIJO received no further complaints of racial discrimination.

### **4. Excessive Time Spent in Rooms**

The OIJO also raised concerns with the amount of time some youth were spending in their rooms each day. The *RJ* Consent Decree requires that youth in the custody of IDJJ spend at least 8 hours each day outside of their rooms, engaged in structured and/or unstructured programming. The Department continues to work on improving the delivery of quality programming to all youth in IDJJ custody to limit idle time and meet this requirement. Each facility is required to post their programming schedule to the Department's intranet and at their facility. Audits are conducted to ensure that the facilities are adhering to those schedules, which provide for out-of-room academic, therapeutic, and recreational activities.

In January 2018, the Department issued a policy bulletin that set programming guidelines for minimum standards for program time and other out-of-room activities. The new policy requires each facility to submit their program schedule to the Deputy Director of Programs at the beginning of each month. Any deviation from those schedules must be approved by the shift supervisor and reported to the Assistant Superintendent and the Deputy Director of Programs. Post January 2017, the OIJO received no further complaints concerning excessive room time.

## **5. Access to Mental Health Treatment**

According to the OIJO, youth also expressed concerns about their requests to speak with mental health professionals being delayed or ignored or otherwise not taken seriously.

Under Department policy, within 24 hours of admission, the Department's mental health practitioners administer a battery of assessments, including the MAYSI-2 screening, which identifies youth with imminent mental health needs. If the results of the MAYSI-2 show that a youth has mental health needs, a clinical assessment is conducted by a licensed mental health practitioner. Further referral may be made to a psychiatrist if an assessment for psychotropic medication is needed. If the screening and assessment indicate a youth requires ongoing mental health treatment, including therapy or psychiatric care, a licensed mental health professional (and psychiatrist, if needed) will be assigned to provide treatment in individual and group settings.

Under the *R.J. v. Mueller* Remedial Plan, the Department is required to promptly respond to youth requests to speak with mental health care professionals. The Department sets standards for response time, and the Department's Chief of Mental Health tracks the number of mental health requests by youth and referrals by staff responded to within the same shift, within 24 hours, and within 5 business days. Security and other staff are trained at orientation and annually thereafter on mental health and mental health care for youth in IDJJ custody. Youth and Family Specialists (youth counselors) receive additional mental health training. While the Department is able to respond to requests and referrals in the vast majority of cases within 24 hours, the Department is working to help staff better identify youth with mental health needs who may not seek out assistance on their own. The Department will continue to seek out additional training opportunities for all staff to be better equipped to respond to the mental health concerns of youth.

## **6. Youth Disciplinary Reports (YDR)**

YDRs were the subject of concern for some youth who had perceptions of unfairness about the disciplinary process. However, as noted in the Report, half of the youth were satisfied with the final disposition of their YDR after review by the Adjustment Committee, and the other half were referred to the grievance process.

The Department continues to work toward improving consistency, fairness, and self-accountability in the disciplinary process. To give youth more confidence in the process and better guidance to staff, the Department issued a revamped grievance policy in October 2017, written with input from the John Howard Association and the ACLU. All youth are given the written grievance procedure at intake in their Youth Handbook and the process is explained to them during Orientation. The Department is in the process of implementing the new procedure, which calls for a quick resolution (5 days) and where possible, the use of restorative justice practices; requires that forms, writing utensils, and locked boxes be available in all areas without the need for staff assistance; requires that staff shall not be a part of the disposition of a grievance in which they are the subject; and provides for emergency grievances and confidentiality and reporting procedures. Staff who process grievances were all trained on the new

policy to ensure that proper procedures are followed, and the Department is developing a quality assurance process to make sure issues are resolved consistently and timely.

## **7. Family Visitation**

Family Engagement is a crucial part of the Department's mission and key to healthy development and successful youth outcomes. Research shows that, across all juvenile justice settings, youth have better outcomes when they are placed in small facilities, close to their families and positive, caring adult connections. Positive, consistent family involvement helps families learn skills for responding to challenging youth behaviors, reinforces appropriate social bonds and communication, reduces recidivism, and promotes positive youth development. The Department has been exploring new opportunities to increase family engagement and encourages families to be active and involved in the youth's treatment. Recent efforts have included graduation ceremonies where families are honored; family picnics; holiday events; coordination of transportation for families needing rides; and expanding visitation so that youth can identify "special" visitors who play a role in their lives, but may not be related biologically. The Department has also begun piloting a video visitation program so that youth who do not have family or friends nearby can still visit with them via video visitations. Recently, the Department began exploring a partnership with the Vera Institute of Justice to enhance meaningful family engagement in all IDJJ facilities.

## **8. Aftercare Placement**

Some youth contacted the OIJO with general concerns about placement and with more specific concerns about their fears of not being approved for placement prior to release. A majority of the concerns emanated from youth who were under the guardianship of the Illinois Department of Children and Family Services (DCFS) and did not have a known home to return to.

Locating placement for DCFS-involved youth continues to be a challenge, in part, due to the complex needs and delinquency history of these youth. In 2015, the Department created a Placement Coordinator position to oversee community placement planning and barrier reduction. The Coordinator oversees a dedicated placement staff unit and maintains a list of youth expected to have barriers to placement upon their release. Placement staff meet with DCFS staff each month to discuss youth who are dually involved in the Juvenile Justice System (IDJJ) and the Child Welfare System (DCFS) and are nearing their release date. Communication between the Departments has helped to significantly reduce delays in release for dually involved youth. The number of youth who remain in IDJJ facilities because of lack of placement has also significantly decreased following the creation of the Placement Coordinator position from more than 85 youth in 2015 to 6 youth in December of 2017.

In addition, in summer of 2017, the Aftercare discharge planning process was revamped for all youth so that discharge planning begins within fourteen days of a youth arriving in a facility. In September 2017, the Department began implementation of an Aftercare Orientation Program for youth preparing to return to the community. All staff were trained in the fall of 2017 and the Orientation Program launched in the beginning of 2018. The Deputy Director of Programs and Deputy Director of Aftercare will monitor this effort to ensure its consistency throughout 2018.

## SYSTEMIC ISSUES

In addition to the above noted complaints, issues, and inquiries, the Ombudsman identified and offered recommendations for the following systemic issues:

### **1. Excessive number of hours that youth spent in their rooms**

See discussion above on page 2 concerning complaints about excessive time in rooms.

### **2. The inability to properly investigate and assess youth allegations of improper treatment by staff and staff allegations of assault by youth**

The Department takes youth complaints seriously and investigates all allegations of staff misconduct to the best of its ability. When allegations are substantiated, it proceeds with corrective action, as appropriate. Since June 2016, the Department has been in regular communication with the Ombudsman to address youth concerns. The Department has also developed an informational sheet and a handbook given to youth at orientation so that they are aware of their rights while in custody. The Department has also increased the number of cameras at IYC Harrisburg. Likewise, staff allegations of assault are investigated and reviewed using video cameras and interviews with witnesses. Depending on the allegations, the Department may refer an investigation to an external investigator, who will involve the Illinois State Police if warranted.

### **3. The relationship between youth and staff at IYC Harrisburg and IYC St. Charles are fractured and need repair**

The youth housed in the Illinois Department of Juvenile Justice have some of the highest risks, needs, and histories of trauma in the state. Extensive research in the field continues to show that the best rehabilitative treatment model for juvenile justice is in the use of small, regional centers that focus on rehabilitation. Large facilities are shown to be less safe for both youth and staff and make it difficult to foster the critical youth and staff relationships needed to support effective rehabilitation and youth development. The Department agrees with the OIJO's view of these challenges.

However, the Department will continue to work toward building positive youth/staff relationships through training, the implementation of restorative practices, improved daily programming, and increases transparency and communication with staff and youth.