

Illinois Juvenile Justice Commission Youth Reentry Improvement Report



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Youth Reentry Improvement Report
November 2011

ACKNOWLEDGEMENTS

The Illinois Juvenile Justice Commission (the Commission) serves as the federally mandated State Advisory Group to the Governor, General Assembly and the Illinois Department of Human Services (IDHA) in developing, reviewing and approving the State's juvenile justice plan for the expenditure of funds granted to Illinois by the United States Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Commission members include:

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The Commission would like to acknowledge the dedication, hard work and tenacity of Heather Renwick and Stephanie Kollmann without whom this report would not have been written. In addition, the Commission also acknowledges the tremendous work of other Northwestern University School of Law clinic fellows and students including Steven Bychowski, Colby Dillon, John Doyle, Margot Gianis, Molly Haunty, Freya Riel, and Ethan Ucker. The Commission wishes to thank the members of the Prisoner Review Board, the Department of Juvenile Justice and the Department of Corrections-Parole Division who cooperated fully with the Commission in this study by sharing their data and allowing observation of their operations. Finally, since the inception of the Commission's study, the Department of Juvenile Justice has begun a major reform effort under the skillful leadership of Director Arthur Bishop and his executive staff. Under his stewardship, the DJJ has begun to address some of the findings identified in the Commission's report as well as other issues which are beyond this study's purview. For these efforts, Director Bishop and his team should be applauded. Nonetheless, these positive reforms and those identified in this report require support and resources from the legislature.

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I. EXECUTIVE SUMMARY

Introduction

An essential measurement of any juvenile “reentry” system is whether youth returning from incarceration remain safely and successfully within their communities. By this fundamental measure, Illinois is failing.

While precise data is difficult to come by (itself an indication of our current reentry shortcomings), it is clear that well over 50 percent of youth leaving Department of Juvenile Justice (“DJJ”) facilities will be reincarcerated in juvenile facilities; many others will be incarcerated in the adult Department of Corrections (“DOC”) in the future. The costs of failure are catastrophic for the young people in the state’s care, for their families, and for our communities. The financial costs of this failing system are staggering as well: The Illinois Auditor General estimates that incarceration in a DJJ “Youth Center” cost \$86,861 per year, per youth in FY10.¹ Worse, the juvenile justice system is, in many ways, the “feeder system” to the adult criminal justice system and a cycle of crime, victimization and incarceration. Today, nearly 50,000 people are incarcerated in Illinois prisons at an immediate annual cost to the state of well over \$1 billion.² The economic ripple effect of incarceration inflates taxpayer costs even more.³ In human terms, we must do better for

1. See STATE OF ILLINOIS AUDITOR GENERAL, DEPARTMENT OF JUVENILE JUSTICE COMPLIANCE EXAMINATION FOR THE TWO YEARS ENDED JUNE 30, 2010, available at <http://www.auditor.illinois.gov/audit-reports/compliance-agency-list/corrections/dojj/fy10-dojj-comp-full.pdf>.

2. See ILLINOIS DEPARTMENT OF CORRECTIONS, ANNUAL REPORT FY 2009, available at: http://www.idoc.state.il.us/subsections/reports/annual_report/FY09%20DOC%20Annual%20Rpt.pdf; see also STATE OF ILLINOIS FISCAL YEAR 2012 AGENCY FACT SHEETS, available at http://www.state.il.us/budget/FY2012/FY12_Agency_Fact_Sheets.pdf.

3. Incarceration imposes significant collateral economic consequences upon not only the imprisoned and their families, but also upon communities and state taxpayers in general. For instance, most adult men (2/3) are employed prior to incarceration and half are the primary income source for their families. “Family income averaged over the years a father is incarcerated is 22 percent lower than family income was the year before a father is incarcerated. Even in the year after the father is released, family income remains 15 percent lower than it was the year before incarceration.” PEW CHARITABLE TRUSTS, COLLATERAL COSTS: INCARCERATION’S EFFECT ON ECONOMIC MOBILITY 5 (2010). Disruption of earnings during incarceration shrinks the tax base at the same time that the inmate’s family may require additional state assistance due to the loss of income; this is not a small demand on social services, as 1 in 28 children nationwide has a parent who is currently incarcerated. *Id.* at 4. After release, adult men earn 40

percent less per year than they did prior to incarceration, continuing the large-scale economic ripple effect.

our young people and our communities. In fiscal terms, we simply cannot afford to continue business as usual. There is good news: Young people are capable of tremendous positive change and growth and—with the right support, supervision and services—youth leaving DJJ facilities can become valued assets in our communities. In addition, there is burgeoning knowledge in Illinois and beyond about adolescent brain development, effective community-based supervision and services, and “what works” with young offenders. Perhaps most importantly, there is growing leadership and commitment in Illinois to do what is necessary to ensure that young people leaving the state’s custody return home safely and successfully. This report provides the findings and recommendations of the Illinois Juvenile Justice Commission, as required by the Youth Reentry and Improvement Law of 2009, 20 ILCS 505/17a-5(5.1), to realize this vision of safe communities, positive outcomes for our youth, and responsible use of public resources.

The Illinois Juvenile Justice System

Illinois has long been a pioneer in juvenile justice, creating the first juvenile court in the United States in 1899.⁴ Proponents of the original juvenile court understood that the moral culpability of youth is significantly different from that of adults, necessitating a distinct juvenile justice system.⁵ Today, we also understand that youth are biologically different from

“In human terms, we must do better for our young people and our communities. In fiscal terms, we simply cannot afford to continue business as usual.”

percent less per year than they did prior to incarceration, continuing the large-scale economic ripple effect.

4. See OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JUVENILE OFFENDERS AND VICTIMS: 1999 NATIONAL REPORT 86 (2000), available at <https://www.ncjrs.gov/html/ojjdp/nationalreport99/chapter4.pdf>.

5. See Barry C. Feld, *The Juvenile Court Meets the Principle of Offense: Punishment, Treatment and the Difference It Makes*, 68 B.U. L. REV. 821, 822 (1988).

“Simply put, the drawbacks of relying upon a flawed surveillance-only punishment strategy for youth on parole are clear: unacceptably high reincarceration rates for youth with no corresponding fiscal or safety benefit to the public.”

adults and thus their delinquent behavior requires a unique response from the state. As described in the recent United States Supreme Court decision *Graham v. Florida*:

As compared to adults, juveniles have a lack of maturity and an underdeveloped sense of responsibility; they are more vulnerable or susceptible to negative influences and outside pressures, including peer pressures; and their characters are not as well formed. . . . A juvenile is not absolved of responsibility for his actions, but his transgression is not as morally reprehensible as that of an adult. . . . [D]evelopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence. . . . Juveniles are more capable of change than are adults, and their actions are less likely to be evidence of irretrievably depraved character than are the actions of adults. It remains true that from a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed.⁶

As a State, we recognize the potential for youth to “avoid delinquent futures and become productive, fulfilled citizens.”⁷ The Illinois Juvenile Court Act states: “[i]t is the intent of the General Legislature to promote a juvenile justice system . . . [which] equip[s] juvenile offenders with competencies to live responsibly and productively . . . and enables a minor to mature into a productive member of society.”⁸

There are many differences between the juvenile and adult judicial systems. One key difference for the purpose of this report is the sentencing of juveniles. Most citizens are familiar with the adult system, where a judge sentences an offender to a finite prison sentence. When a judge decides to send a juvenile to serve a sentence in the Illinois Department of Juvenile Justice, however, that sentence is indeterminate, or open-ended.⁹ Juveniles can only be released from DJJ

by reaching the age of 21 or by a decision of the Prisoner Review Board. (See Section III. A. for additional details.)

In 2006, Illinois, in further recognition of the unique needs of youth and the differences between the juvenile and adult systems, established the Department of Juvenile Justice, independent of the Department of Corrections. The dual mission of the Department of Juvenile Justice is to hold juvenile offenders accountable for illegal conduct and to rehabilitate youth to become productive members of the community.¹⁰

In spite of the separation of DJJ from DOC and numerous federal and Illinois laws recognizing the inherent differences between youth and adults, the reality for Illinois youth is that once they are committed to the Department of Juvenile Justice, they are subject to a system of release decision-making, parole, and revocation that is functionally identical to the adult system and modeled on adult culpability and capability. The application of these adult approaches to youth is problematic—not just for developmental and fundamental fairness reasons, but because it does not work. Simply put, the drawbacks of relying upon a flawed surveillance-only punishment strategy for youth on parole are clear: unacceptably high reincarceration rates for youth with no corresponding fiscal or safety benefit to the public.

Basic facts about the Illinois juvenile justice system support this conclusion. Recently released population data from the Illinois Department of Juvenile Justice reveals that in seven out of the past eight years, *technical parole violators* (e.g. youth who violated curfew, failed to attend school, are unemployed, failed to obey house rules, etc.) represented a greater percentage of the incarcerated juvenile population than any other type of admission, whereas youth who committed a new offense while on parole comprised only 2 *percent* of the average DJJ population.¹¹ In fact, on any given day, approximately 40 percent of incarcerated youth are technical parole violators.¹² The large number of incarcerated juvenile technical parole violators—whose noncompliant behav-

6. *Graham v. Florida*, 560 U.S. ___, 130 S. Ct. 2011 (2010).

7. 730 ILCS 5/3-2.5-5.

8. 705 ILCS 405/5101(1).

9. Sentences for first degree murder, however, are non-discretionary. See 705 ILCS 405/5-750(2). It is noteworthy that currently only three youth out of the total DJJ population of 1200 are sentenced for first degree murder. Interview with Chris Bernard, Juvenile Justice Project Director, John Howard Association of Illinois (October 18, 2011).

10. “Understanding that youth have different needs than adults, it is the mission of the Illinois Department of Juvenile Justice to preserve public safety by reducing recidivism. Youth committed to the Department's care will receive individualized services provided by qualified staff that give them the skills to become productive citizens.” MISSION STATEMENT, ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, available at http://www.idjj.state.il.us/mission_statement.shtml.

11. See Appendix B, Department of Juvenile Justice, Juvenile Institutions Monthly Population Summary, Fiscal Years 2003–2010.

12. *Id.*

ior likely poses no threat to public safety—overextends DJJ resources and significantly undermines DJJ’s ability to provide necessary programs for high risk and high need youth.

The Illinois Auditor General estimated that in FY 10 it cost the State of Illinois \$86,861 to incarcerate one youth for a year.¹³ By contrast, more effective community-based strategies cost far less; examples include Functional Family Therapy, which costs \$3,198–\$3,309 per year, and Multisystemic Therapy, which costs \$7,206–\$7,280—a savings of at least \$79,581, per youth per year.¹⁴ Improved reentry strategies that reduce reincarceration for technical violations are therefore critical to the fiscal health of Illinois.

Over the course of this study, the Commission has noted that there are many highly-qualified, caring professionals working at all stages of the juvenile justice system. However, this report highlights the ways in which the system is structurally flawed and that, rather than supporting the qualified professionals who strive for positive youth outcomes and public safety, the current juvenile justice system impedes and contradicts their efforts.

Commission’s Youth Reentry Improvement Analysis and Policy Recommendations

Under the Youth Reentry and Improvement Law of 2009, the Illinois Juvenile Justice Commission (“Commission”) was charged with developing recommendations to ensure the effective reintegration of youth offenders into the community.¹⁵

13. See STATE OF ILLINOIS AUDITOR GENERAL, DEPARTMENT OF JUVENILE JUSTICE COMPLIANCE EXAMINATION FOR THE TWO YEARS ENDED JUNE 30, 2010, available at <http://www.auditor.illinois.gov/audit-reports/compliance-agency-list/corrections/dojj/fy10-dojj-comp-full.pdf>.

14. Official cost estimates for contemporary evidence-based therapies are rare. To calculate expenses and cost savings of community-based therapies, the Commission requested cost information about two particular evidence-based therapeutic programs from One Hope United, a Chicago-based nonprofit federation of social service agencies serving 15,000 children in 4 states. See email correspondence with Patricia Griffith, Executive Director, One Hope United (Oct. 17, 2011) (on file with the Commission). Estimates received from One Hope United are in line with those cited in a recent agency publication from the State of Washington, also comprising the cost range cited in this report. See WASH. STATE INST. FOR PUB. POLICY, RETURN ON INVESTMENT: EVIDENCE-BASED OPTIONS TO IMPROVE STATEWIDE OUTCOMES 4 (July 2011), available at <http://www.wsipp.wa.gov/rptfiles/11-07-1201.pdf>.

15. In addition to policy recommendations, the law directed the Commission to provide the following information on youth whose parole was revoked:

- the number of youth confined in the Department of Juvenile Justice for revocation based on a technical parole violation,
- the length of time the youth spent on parole prior to the revocation,
- the nature of the committing offense that served as the basis for the original commitment,
- demographic information including age, race, sex, and zip code of the underlying offense, and
- the conduct leading to revocation.

The statutorily mandated data is attached as Appendix A.

“The current release decision making process for youth undermines the rehabilitation and public safety goals of the Illinois juvenile justice system. . .”

The Commission reentry study represents a significant undertaking, in which the Commission amassed an unprecedented amount of data and insight into the juvenile reentry and revocation system. Specifically, the Commission:

- reviewed nearly 400 files of youth whose parole was revoked;
- observed over 230 Prisoner Review Board (“PRB”) juvenile hearings;
- met with DJJ, DOC, Department of Children and Family Services (“DCF”), and PRB staff multiple times over the course of the study and analysis;
- reviewed Illinois’ and other states’ statutes, case law, rules, policies, and procedures regarding juvenile sentencing, release, parole, and revocation; and
- researched best practices regarding juvenile release decision-making, reentry, and revocation.

In this report, the Commission presents its findings on the current systemic failures of the Illinois juvenile justice reentry system, highlights of which are summarized below.

- The current release decision making process for youth undermines the rehabilitation and public safety goals of the Illinois juvenile justice system in that:
 - release is largely dictated by a youth’s committing offense and alleged disciplinary violations while incarcerated, instead of by an informed, objective determination that it is in the best interest of the youth and the public for the youth to be released;
 - no independent review mechanism assesses or documents the youth’s rehabilitative progress and the appropriateness of continued incarceration; and
 - conditions of parole restricting movement, prohibiting activities, and mandating programs or services are established without evidence or meaningful basis and without support to encourage their completion.

“Youths’ constitutional due process protections are violated by the basic structure and process of Prisoner Review Board revocation proceedings. . .”

- Youths’ constitutional due process protections are violated by the basic structure and process of Prisoner Review Board revocation proceedings in that:
 - youth are not informed of their right to request counsel at revocation hearings;
 - youth are denied the opportunity to present and review evidence;
 - youth are denied the ability to cross-examine adverse witnesses;
 - revocation determinations are idiosyncratic, subjective, premised on a cursory review of documents, void of guidelines, and not reviewable; and
 - PRB members fail to explain the purpose of the hearing to the youth or provide the youth with a substantive written explanation of the decision.
- The current parole system, which is operated by the Department of Corrections’ adult parole division, is costly and ineffective at sustaining pro-social youth behavior, enhancing public safety, and reducing recidivism, in that:
 - parole agents supervise mixed caseloads of both adults and juveniles¹⁶ and are unable to use specialized youth reentry strategies;
 - parole agents do not effectively link youth to state-mandated or essential services; yet

16. In Region 1, parole officers do have juvenile-only caseloads. However, these officers do not have adequate juvenile-specific training, specialized resources, or strategies at their disposal to supervise and support youth any more effectively than their counterparts who supervise blended adult/juvenile caseloads.

- parole agents file technical parole arrest warrants on approximately half of youth on parole.
- The Department of Juvenile Justice youth tracking software is antiquated and fails to effectively manage youth assessments, programming progress, and public safety monitoring.

Based on the Commission’s extensive research and findings, this report presents recommendations for reform that will promote the effective reintegration of youth offenders into the community while ensuring youths’ constitutional due process protections.

- The Department of Juvenile Justice must prepare youth for timely release and qualified members of the Prisoner Review Board must increase the frequency and quality of release hearings.
- The current Department of Corrections adult parole surveillance model for juveniles should be replaced by a statewide extension of DJJ’s After-care Specialist pilot program.
- A court must make parole revocation determinations; Prisoner Review Board revocation hearings do not afford youth constitutional due process protections.
 - The Department of Juvenile Justice must develop and implement an integrated case management system to facilitate necessary information sharing, which will allow effective youth case planning and monitoring.

“The current parole system, which is operated by the Department of Corrections’ adult parole division, is costly and ineffective at sustaining pro-social youth behavior, enhancing public safety, and reducing recidivism. . .”

II. METHODOLOGY

The Illinois Juvenile Justice Commission (the “Commission”) conducted this Illinois Juvenile Reentry Improvement Study pursuant to the Youth Reentry and Improvement Law of 2009¹⁷ from July 2010 through May 2011.

The General Assembly charged the Commission with making recommendations regarding:

- due process protections for youth during release decision-making processes including, but not limited to, parole revocation proceedings and release on parole;¹⁸
- the development of a tracking system to provide quarterly statewide reports on youth released from the Illinois Department of Juvenile Justice including lengths of stay in the Illinois Department of Juvenile Justice prior to release, length of monitoring post-release, pre-release services provided to each youth, violations of release conditions including length of release prior to violation, nature of violation, and intermediate sanctions offered prior to violation;¹⁹ and
- outcome measures of educational attainment, employment, homelessness, recidivism, and other appropriate measures that can be used to assess the performance of the State of Illinois in operating youth offender reentry programs.²⁰

The Illinois Juvenile Reentry Improvement Study represented a significant undertaking, in which the Commission amassed an unprecedented amount of data and insight into the juvenile release, reentry, and revocation systems.

Commissioners’ Observations of Prisoner Review Board Hearings

The Illinois Prisoner Review Board (“PRB”) is a state agency whose responsibilities include conducting hearings related to both adult and juvenile parole. The PRB determines when a youth is released from incarceration and placed onto parole, the youth’s conditions of parole, and when a youth’s parole ought to be revoked for violating a condition of parole. The PRB makes these decisions at parole grant hearings and parole revocation hearings.

Observing Prisoner Review Board hearings constituted one substantial aspect of the Commission’s data collection. In total, the Commission observed 237 PRB hearings—123 parole hearings, 101 revocation hearings, and 13 annual review hearings—at all 8 Illinois Youth Center (“IYC”)

17. 20 ILCS 505/17a-5(5.1).

18. 20 ILCS 505/17a-5(5.1)(C).

19. 20 ILCS 505/17a-5(5.1)(A).

20. 20 ILCS 505/17a-5(5.1)(B).

“The Illinois Juvenile Reentry Improvement Study represented a significant undertaking, in which the Commission amassed an unprecedented amount of data and insight into the juvenile release, reentry, and revocation systems.”

facilities between July and December of 2010. PRB hearings have never before been subject to public review. The observation process was not intended as a comprehensive quantitative study of Prisoner Review Board decisions. Rather, the observation process enabled the Commission to amass substantial firsthand qualitative knowledge of the PRB system, previously unavailable to those outside the PRB itself, in order to make the statutorily mandated recommendations.

The Commission developed standardized forms for the hearing observations.²¹ In creating the observation forms, the Commission was cognizant of tracking the constitutional rights applicable to youth at parole and revocation hearings, including, among other things, the right to counsel²² at preliminary and revocation hearings and the right to present and examine evidence. Commissioners attended multiple trainings prior to their observations to ensure consistency in the observations and data gathering process.

Review of Revoked Youths’ Files

The Commission reviewed the files of all youth whose parole was revoked between December 1, 2009 and May 31, 2010. In total, the Commission reviewed 386 youths’ files—40 girls and 346 boys. As with the PRB observations, the Commission’s file review was not intended as a systematic quantitative study. Rather, the Juvenile Justice Commission reviewed the files of youth in order to accumulate a substantial qualitative understanding of the reentry and revocation experience for juvenile offenders.²³

The Commission reviewed both the “master file” and “AMS report” for each of the 386 youth. The Department of

21. See Appendix C for Hearing Observation Forms.

22. For an in-depth discussion of juvenile right to counsel at parole hearings, see Appendix K.

23. Notably, the Commission was not tasked by the General Assembly with comparing the experience of revoked youth with those youth who successfully reintegrated into the community, further indication that the Commission’s reentry study was not meant to serve as a comprehensive system analysis, but instead, to allow the Commission to promulgate informed recommendations rooted in an understanding of the post-dispositional juvenile justice system.

Juvenile Justice creates a master file for each youth spanning the entirety of their involvement with the state; the master file is stored at the Illinois Youth Centers (“IYC”) facility where the youth is currently incarcerated or was most recently incarcerated.²⁴ The Automated Management Service (AMS) parole records track each interaction a parole agent has with a youth or an individual in the youth’s life, including teachers and family members.²⁵

The Commission collected the following data from the master files and AMS report:

- whether the youth was revoked for a technical parole violation;
- type of parole violation;
- length of time the youth spent on parole prior to the revocation;
- nature of the committing offense that served as the basis for the original commitment;
- demographic information including age, race,²⁶ sex, and county of the underlying offense;
- conduct leading to revocation;
- information the Department of Juvenile Justice had available to it upon the youth’s initial incarceration, including:
 - any prior mental health treatment,
 - hospitalizations,
 - residential placements, and
 - family history;
- assessments conducted by DJJ upon the youth’s initial incarceration;
- services recommended for the youth by DJJ;
- services documented as actually received by the youth while incarcerated;
- conditions of parole mandated by the Prisoner Review Board upon the youth’s most recent release from incarceration;
- number of face-to-face and phone contacts a youth had with his or her parole agent while in the community;

- number of contacts the parole agent had with the youth’s family; and
- number of times a parole agent referred or “linked” a youth to community based treatment or services.

As with the parole hearing observation forms, the Commission developed a data collection form to gather information from both the DJJ master file and AMS parole record.²⁷ The file review forms were subject to a number of revisions and trials to ensure that the Commission collected the most relevant, accurate, and useful information possible. The Commission’s team was trained to ensure consistency in information collection from both the master files and AMS parole records.

The file review process allowed the Commission to answer the statute’s request for data specific information about revoked youth—not currently available through any state data system²⁸—and to track the fit and appropriateness of mandated services for youth during the reentry process. In reviewing the DJJ master files and AMS parole records, the Commission sought to understand the types of information available to DJJ upon a youth’s initial incarceration; how that information is used, supplemented, and transferred to different system actors (including the Illinois Prisoner Review Board and the DOC Parole Division); and the appropriateness of how that information is used to mandate services while youth are incarcerated and on parole.

Observation of “Parole School” Sessions and Libraries at Youth Facilities

Before a youth appears at a Prisoner Review Board parole hearing, he or she will attend DJJ’s “parole school” at the IYC facility where he/she is incarcerated. Parole school is a youth’s best opportunity to learn about his or her rights and responsibilities while on parole and at a potential future parole revocation hearing. In general, parole school is meant to prepare youth to appear at a parole hearing as well as to prepare youth to be released on parole. Parole school occurs between one and four weeks before a youth is presented to the Prisoner Review Board, depending on the facility. The Commission observed parole school at six of the eight Illinois Youth Centers.²⁹ The Commission also observed the legal materials available to youth at seven of the eight Illinois Youth Center libraries.

24. A list of the documents and information included in a Master File is attached as Appendix D.

25. AMS is a state contractor of the Illinois Department of Corrections responsible for the parole information system. Both juvenile and adult parolees call into AMS at required times. Parole agents enter information into the AMS data system. A redacted excerpt from an AMS parole record is included in Appendix E.

26. The Department of Juvenile Justice records youth as White, Black, Hispanic, or Other. Therefore the Commission was unable to collect accurate information on biracial youth or youth who are both Black and Hispanic.

27. See Appendix F for a sample file review form.

28. See Appendix A for the statutorily mandated data regarding revoked youth.

29. The Commission observed parole school at Joliet, Chicago, St. Charles, Warrenville, Harrisburg, and Pere Marquette. The Commission did not observe parole school at Murphysboro. Kewanee holds individual pre-release sessions for each youth rather than conducting parole school.

Information from the Department of Juvenile Justice, the Prisoner Review Board, and Department of Corrections Parole Division

The Commission worked in collaboration with the DJJ-DCFS Aftercare Merger Workgroup and the Juvenile Reentry Workgroup of the Governor's Collaborative on Reentry in order to avoid duplication of efforts and to ensure the most comprehensive study possible. The Aftercare Merger Workgroup sent questionnaires to both the Prisoner Review Board and the Department of Juvenile Justice to better understand their policies and practices involving the release decision.³⁰

Similarly, the Commission requested information from the Department of Corrections Parole Division regarding its juvenile parole policies and practices. The Parole Division provided the Commission with a substantial body of material, including the Parole Division's system of graduated sanctions and caseload breakdown for parole agents.

The Commission met with the Department of Juvenile Justice, the Center for Prevention Research and Development at the University of Illinois, and Chapin Hall at the University of Chicago to discuss the information and data available to the Department of Juvenile Justice at each juncture of a youth's incarceration and parole. The Commission also met with the Department of Corrections Parole Division Public Service Administrator to discuss the two relevant software systems: Juvenile Tracking System (JTS) and AMS.³¹

30. See Appendix G for the Department of Juvenile Justice and Prisoner Review Board Responses to Questionnaires Submitted by the DCFS-DJJ Aftercare Merger Workgroup, June 14, 2010.

31. JTS is primarily used by staff within DJJ facilities, while AMS is used exclusively by parole agents. JTS is a significantly older technology, while AMS is operated by a private contractor with the Department of Corrections. The two systems are discussed in greater detail in Section VI.

Commission Presentation of Illinois Juvenile Reentry Improvement Initiative

The Commission presented its progress on the reentry study on February 9, 2011 and on April 8, 2011, to executive staff from:

- the Illinois Department of Juvenile Justice;
- the Illinois Prisoner Review Board;
- the Illinois Department of Corrections Parole Division;
- the Illinois Criminal Justice Information Authority;
- the Illinois Department of Juvenile Justice Advisory Board;
- the Illinois Department of Children and Family Services;
- the Illinois Department of Human Services;
- the American Federation of State, County and Municipal Employees ("AFSCME");
- the Governor's office;
- the Center for Prevention Research and Development; and
- Chapin Hall at the University of Chicago.

The presentations provided the Commission with an opportunity to present its understanding of the juvenile post-dispositional system based on its PRB observations, file review, and other information gathering and research. The presentations also provided a forum for state actors to comment on the Commission's understanding of the system, clarify areas of uncertainty, and voice their opinions on areas of systemic dysfunction.

At the meeting on February 9, 2011, the Commission also facilitated a discussion between DJJ and the Parole Division to discuss current information sharing practices among relevant state agencies.

III. INDETERMINATE SENTENCING AND RELEASE DECISION-MAKING

A. APPLICABLE LEGAL PROVISIONS

In order to explain the findings and recommendations in this report, it is necessary to first outline the current law and policy which governs how youth are committed to DJJ custody and how they are prepared for and considered for release from custody.

Legal Provisions Relating to Indeterminate Sentencing

- Juvenile courts in Illinois commit youth to the Department of Juvenile Justice for an indeterminate period, as opposed to a finite sentence determined at the time of commitment.³²
- Once a youth is incarcerated, there are two ways to for a youth to be released:
 - to “age out” of the juvenile justice system at age 21; or
 - to be released by the Prisoner Review Board based on its subjective determination that the youth is no longer in need of further institutional programs and that parole is in the best interest of the youth and community.³³
- The only limitation upon a juvenile indeterminate sentence is the maximum adult term of imprisonment for the committing offense.
 - If the maximum adult term of imprisonment does not expire until after a youth turns 21, the youth is transferred to the Adult Division of the Department of Corrections.³⁴
 - If the youth turns 21 on parole but the maximum adult term has not yet expired, parole supervision may also be transferred to the Adult Division of the Department of Corrections.³⁵
- The determination of the specific length of a youth’s sentence begins within 10 days of the youth’s incarceration when the Department of Juvenile Justice assigns each youth an Administrative Review Date (“ARD”).
 - The ARD is based largely on the youth’s committing offense and offense history.³⁶

32. 705 ILCS 405/5-750(3).

33. 730 ILCS 5/3-3-8.

34. 730 ILCS 5/3107(b).

35. *Id.*

36. ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, POLICY BULLETIN: PROJECTING AN ADMINISTRATIVE REVIEW DATE (ARD) (May 1, 2011). See Appendix H for a copy of the Administrative Review Data matrix.

- The ARD acts as a guidepost for the Department of Juvenile Justice in determining when to present a youth to the Prisoner Review Board for a parole hearing.

Legal Provisions Relating to Preparation for Release

- The Department of Juvenile Justice is required to provide assistance to a youth in obtaining information and records helpful to the youth for his or her parole hearing.³⁷
- The Department of Juvenile Justice has “access [to] vital records of juveniles for the purposes of providing necessary documentation for transitional services such as obtaining identification, educational enrollment, employment, and housing.”³⁸
- In conjunction with the youth, clinical staff is required to prepare a parole plan prior to a youth’s release, including “where and with whom he will live, location in terms of employment or school attendance and family relationships and obligations to be assumed on release.”³⁹

Legal Provisions Relating to the Prisoner Review Board

- The Prisoner Review Board is an independent 15-person body appointed by the governor.
- Six Prisoner Review Board members are required to have at least three years of “experience in the field of juvenile matters.”⁴⁰

Legal Provisions Relating to Parole Hearings Conducted by the Prisoner Review Board

- The Prisoner Review Board makes release decisions for both incarcerated adults and incarcerated juveniles.⁴¹
- In making a release determination, the PRB must consult documentary evidence, including:
 - the youth’s master file;
 - the report by the IYC facility;
 - material submitted by the youth; and
 - medical or psychological reports, if requested by the PRB.⁴²

37. 730 ILCS 5/3-3-4(b).

38. 730 ILCS 5/3-2.5-20(a)(5).

39. 20 IL ADC 1610.35(e).

40. 730 ILCS 5/3-3-1(b). *Id.*

41. *Id.*

42. 20 IL ADC 1610.35(c).

“Research shows that juvenile incarceration itself does little to improve behavior or decrease recidivism; in fact, lengthy stays in DJJ can negatively impact public safety.”

- Release decisions are “subjective determinations based on available relevant evidence”⁴³ and made in the best interest of the youth and community,⁴⁴ as evidenced by at least 13 different factors.⁴⁵
- Decisions are to be made by a panel of three or more members, with “at least a majority of members experienced in juvenile matters.”⁴⁶
- The PRB must render a decision within a reasonable time after the hearing. The PRB must state the basis of the decision in written notice to the youth.⁴⁷

Legal Provisions Relating to Alternative Mechanisms for Release Consideration

- By law, in addition to being considered for release at parole hearing:
 - all youth are immediately eligible for parole once they are incarcerated;⁴⁸ and

43. 20 IL ADC 1610.35(b).

44. Youth shall not be paroled if he “is in need of further institutional programs” and that “[p]arole would not be in the best interests of the youth or the community.” 20 IL ADC 1610.35(b)(1)-(2).

45. “In determining whether to grant or deny parole, the Board looks primarily to the following factors, although the decision is not limited to these factors when other relevant, compelling information is presented.”

Behavior outside of custody: prior criminal activity, as evidenced by official records; adjustment in school, as evidenced by documented reports specifying grades, disciplinary actions, school activities or any school-related accomplishments; adjustment to release from custody; employment history; support of family and community, as evidenced by oral or written expressions; associates in the community, as evidenced by reports from police and school officials or statements of the juvenile or his family; and goals for the future as expressed by the juvenile.

Institutional behavior: any recent disciplinary actions; performance in institutional programs as evidenced by reports from counselors or teachers; defiance to established authority, as evidenced by demeanor and conduct at hearing or by institutional reports; lack of remorse for criminal activities, as evidenced by demeanor and conduct at hearing or by institutional reports; resolve to avoid re-incarceration, as evidenced by demeanor and conduct at hearing or by institutional reports; positive response to institutional programming, as evidenced by demeanor and conduct at hearing or by institutional reports. 20 IL ADC 1610.35(c).

46. 730 ILCS 5/332(a); 730 ILCS 5/335(a).

47. 730 ILCS 5/3-3-5(f).

48. 730 ILCS 5/333(e); 20 IL ADC 1610.20(b).

- juveniles must be considered for parole 30 days before the expiration of their first year of commitment at an Annual Review hearing, and every subsequent year that they are committed.⁴⁹

B. OBSERVATIONS AND FINDINGS REGARDING CURRENT RELEASE PRACTICES

RELEASE IS IMPORTANT

Decisions about when a youth will be released from DJJ begin to be made as soon as a judge commits a youth to the custody of the Department of Juvenile Justice and are a critical first component of effective youth reentry and aftercare. Successful youth outcomes depend upon three key aspects of release: release timing, release processes, and release conditions.

Timing. Illinois’ indeterminate sentencing regime, a legacy of the juvenile justice system’s rehabilitation principle, requires that the length of incarceration depend upon an individual youth’s unique needs, risks, and strengths. Research shows that juvenile incarceration itself does little to improve behavior or decrease recidivism; in fact, lengthy stays in DJJ can negatively impact public safety.⁵⁰ DJJ must therefore adequately assess and treat youth on an individual basis while decreasing length of stay to the minimum necessary for successful release and public safety, recognizing that community-based services should be used in lieu of continued incarceration wherever possible.

49. 730 ILCS 5-3-4(a).

50. See Thomas A. Loughran, et al., *Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders*, 47 CRIMINOLOGY 699 (2009) (finding no benefit to risk of future offending as a result of juvenile incarceration); D. Wayne Osgood and Laine O’Neill Briddell, *Peer Effects in Juvenile Justice*, in KENNETH A. DODGE, ET AL. (EDS.), *DEVIAANT PEER INFLUENCES IN PROGRAMS FOR YOUTH* 141–161 (2006) (explaining that contagion of bad behavior among peers in juvenile justice programs is both more intense and more likely when youth are in residential placements); Uberto Gatti, et al., *Iatrogenic Effect of Juvenile Justice*, 50 J. OF CHILD PSYCHOL. & PSYCHIATRY 991 (2009) (finding that among a population of relatively high-risk juvenile offenders, juvenile justice system involvement had a negative impact upon future criminality and that the more restrictive and more intense the justice system intervention was, the greater its negative impact). “[P]lacement in an institution exerts by far the strongest criminogenic effect; the weakest effect is exerted by non-supervisory interventions, while supervisory interventions occupy an intermediate position.” *Id.* at 995. For a summary of recent research concerning the harms of juvenile incarceration to both youth development and public safety, see RICHARD A. MENDEL, THE ANNIE E. CASEY FOUNDATION, *NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION* (2011), available at: http://www.aecf.org/OurWork/JuvenileJustice/~media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/NoPlaceForKids/JJ_NoPlaceForKids_Full.pdf. For a discussion of the enormous public cost of juvenile incarceration, see SOUTHERN POVERTY LAW CENTER & FLORIDA TAXWATCH, *FISCAL RESPONSIBILITY: THE KEY TO A SAFER, SMARTER, AND STRONGER JUVENILE JUSTICE SYSTEM* 4 (December 2010), available at http://www.splcenter.org/sites/default/files/downloads/publication/Fiscal_Responsibility.pdf.

Process. Quality release decision procedures not only promote fundamental fairness, but are critical to youth success at reentry. Fair, legitimate decision-making processes increase youth compliance with institutional rules and release conditions, while poorly-explained and seemingly arbitrary processes undermine compliance.⁵¹ Decisions lacking transparency and consistency also thwart oversight of the agency preparing youth for reentry (e.g. DJJ) and hinder internal quality control of the body of hearing officers (e.g. PRB).

Conditions. Terms of release can enhance or obstruct youth success in the community. The most beneficial conditions are narrowly tailored to an individual youth's risks, needs, strengths and goals.⁵² Excessive or unrealistic terms, or those which fail to address a youth's risks for reoffending, place youth on a trajectory toward reincarceration.

The Current Release Decision-Making Process is Inconsistent with Illinois' INDETERMINATE, Rehabilitative Juvenile Justice Laws

Release from Incarceration is Largely Based on Commitment Offense

Determinate sentencing systems base the length of incarceration on an individual's commitment offense. Conversely, indeterminate systems base release on a determination of successful rehabilitation. The Illinois General Assembly has mandated an indeterminate, rehabilitative juvenile justice system to "equip juvenile offenders with competencies to live responsibly and productively."⁵³ Illinois juvenile court judges therefore commit youth to indeterminate, rehabilitation-dependent sentences.

Despite the clear legislative and judicial emphasis on indeterminate sentencing for juveniles, DJJ issues a formulaic Administrative Review Date ("ARD") within the first 10 days of incarceration, based almost exclusively on the youth's commitment offense. The ARD serves as the primary guidepost for DJJ to determine when a youth appears before the Prisoner Review Board for a parole hearing. The formula for setting the ARD is neither evidence-based nor related to public safety factors. The ARD is also static, seldom adjusted to reflect treatment progress.

The precise timing of the youth's presentation to the PRB for release remains within the discretion of DJJ. While negative behaviors typically result in an extended stay in a DJJ facility, positive behaviors do not appear to place a youth on an accelerated path for release. Disciplinary tickets received by a youth while incarcerated often result in a delayed presentation to the Prisoner Review Board.⁵⁴ Factors outside a youth's control, such as the inability to find or obtain parole approval for a "host site," can also delay presentation to the PRB. Currently, 32 percent of youth incarcerated in the Department of Juvenile Justice are there past their ARD.⁵⁵

Although the Department of Juvenile Justice conducts some clinical assessments when a youth is initially incarcerated,⁵⁶ programming and treatment progress are not typically used to assess a youth's release readiness.⁵⁷ DJJ's release practices are therefore inconsistent with Illinois' indeterminate sentencing laws, which presume that release recommendations will be based on whether youth are equipped for a sustained and successful return to the community.

DJJ Fails to Provide the Treatment and Programming Necessary for a Legitimate Rehabilitative Juvenile Justice System

Indeterminate sentencing systems presuppose timely rehabilitation, which requires substantive in-facility treatment

54. Facility staff may write tickets for any institutional rule infraction. Some tickets are issued for serious or dangerous matters (e.g. fighting or stealing). Others are issued for minor impulsive behaviors (talking while lining up, talking during class, cursing) or arguably normative teenage behavior (not tucking shirts in, having a messy dorm, arguing with authorities). In one egregious example, a youth was incarcerated nearly two years past his ARD for disciplinary tickets. Parole File 237.

55. Illinois Department of Juvenile Justice Juvenile Tracking System, "Institution Monthly Youth Profile as of 2/28/11" (March 1, 2011).

56. The Commission file review found that DJJ employs a variety of assessments upon a youth's initial incarceration, which vary by facility. Assessment tools include: Texas Christian University-II Substance Abuse Assessment ("TCU-II"), General Assessment Instructional Needs ("GAIN"), Juvenile Assessment and Intervention System ("JAIS"), Childhood and Adolescent Needs and Strength ("CANS"), and Youth Assessment and Screening Instrument ("YASI"). Since the Commission's review of the files, DJJ has embarked on an overhaul of its assessment protocol. DJJ has received consultation and guidance from the DCFS-DJJ Assessment Workgroup and from MacArthur funded national experts in adolescent screening and assessment instruments.

57. In California, for example, the state assesses a youth's commitment offense along with 20 factors, including protection of the public, attainment of institutional goals, family support, and educational progress in order to determine release readiness. CAL. CODE REGS. tit. 15, § 4945(j). When a youth is incarcerated in Missouri, he or she is assigned a service coordinator who oversees the youth's progress while in state custody. The service coordinator administers various need and risk based assessments, which consider factors such as the age of first offense and the youth's family history. Assessments help determine whether the youth has substance abuse needs, specific educational needs, psychiatric needs, etc. The youth's committing offense is only considered to the extent that it is relevant to assessing a youth's needs and risks. See <http://www.dss.mo.gov/dys/cm.htm>.

51. Kevin Burke & Steve Leben, *Procedural Fairness: A Key Ingredient in Public Satisfaction*, 44 COURT REVIEW 5–6 (2007). Procedural justice includes: allowing the offender to express his or her view, applying legal principles consistently, treating the offender with dignity, protecting the offender's rights, and providing an explanation or justification of the decision. When procedural justice is used, offenders perceive the decision to be fair and are therefore more likely to comply with the conditions. *Id.* See also Tom R. Tyler, *Legitimacy in Corrections: Policy Implications*, 9 CRIMINOLOGY & PUB. POL'Y 127 (2010).

52. See U.S. DEPARTMENT OF JUSTICE, A GUIDE FOR PROBATION AND PAROLE: MOTIVATING OFFENDERS TO CHANGE 5 (June 2007). Effective interventions address the individual needs of the juvenile.

53. 705 ILCS 405/5101(1).

“The Commission found that the Department of Juvenile Justice fails to identify youth needs and does not match identified needs with the services provided to the youth during incarceration.”

and programs to address youth risks and needs.⁵⁸ However, the Commission found that the Department of Juvenile Justice fails to identify youth needs and does not match identified needs with the services provided to the youth during incarceration. Moreover, even if youth are correctly assessed and recommended for programming or services, DJJ frequently does not have the capacity to provide appropriate services to youth or provides services inconsistently.

It is in the realm of mental health services⁵⁹ that the state’s shortcomings are particularly evident:

- Prior to DJJ commitment, one youth was admitted to a psychiatric hospital four times for “suicidal ideations.” The youth received no mental health treatment during DJJ commitment.⁶⁰
- One youth’s hospitalization report recorded manifold mental health conditions (bipolar, PTSD, depression, insomnia). Upon DJJ commitment,

58. See ILLINOIS MODELS FOR CHANGE BEHAVIORAL ASSESSMENT TEAM, REPORT ON THE BEHAVIORAL HEALTH PROGRAM FOR YOUTH COMMITTED TO ILLINOIS DEPARTMENT OF JUVENILE JUSTICE 10 (2010). (“Absent aggressive treatment intervention, the mental health, substance use and trauma-related needs of youth in DJJ predispose them to negative outcomes both while in institutional custody and upon release.”); see also Jason Brennen, Gary McClelland, Alison Schneider, Mike Stiehl & Dana Weiner, Mental Health Services & Policy Program, Northwestern University Department of Psychiatry & Behavioral Sciences, DATA ANALYSIS AND POLICY RECOMMENDATIONS: JUVENILE JUSTICE AFTERCARE PLANNING (Sept. 2009) (manuscript on file with the Commission). “The majority of youth would be likely to benefit from some form of counseling to address trauma history, poor judgment and impulse control, anger, and psychiatric symptoms.” *Id.* at 13.

59. Youth can have high levels of mental health needs while remaining low-risk for reoffending. See John Junginger et al., *Effects of Serious Mental Illness and Substance Abuse on Criminal Offenses*, 57 PSYCHIATRIC SERVICES 879 (2006) (finding that serious mental illness has little effect on offending and is only weakly predictive of offense risk; many other social factors are more highly predictive of risk for all offenders, including those with mental illness). Furthermore, because incarceration exacerbates mental illnesses, it is more effective to deliver mental health care in a community setting rather than inside a prison. Youth should thus never remain incarcerated solely or primarily due to unaddressed mental health needs. Yet while mental health needs are not, per se, a risk factor for future offending, addressing the mental health needs of youth in its care is a fundamental responsibility of the state and proper mental health care is critical in minimizing the harms of incarceration and preparing youth for successful return home.

60. As described in Methodology, the Commission coded the master file and AMS report for 387 youth. The Commission assigned a number to each of the youth. See Parole File 78.

the youth was only referred to substance abuse treatment.⁶¹

- One youth had an extensive psychological history, including hospitalization and suicide watch during previous stays in county detention. Upon commitment to DJJ, the youth was rated Mental Health Level-1 (“MHL-1”), received one counseling session, and was then downgraded to MHL-0. No further mental health services were provided.⁶²
- One youth had been the victim of sexual abuse prior to initial incarceration. The youth had an extensive mental health history, ADHD, difficulties with anger management, and substance abuse history. The youth had a history of suicidal thoughts and depression and had been on crisis watch at a county detention center. Upon DJJ commitment, there was no record of any mental health services provided after the initial screening and one individual therapy session.⁶³
- Upon initial incarceration, one youth was classified as needing Special Education services. The youth was enrolled in the special education program at IYC-Chicago, but was placed in general education when transferred to IYC-Harrisburg. The youth’s Individualized Education Program (“IEP”) at Harrisburg recorded that the youth was still eligible for special education services.⁶⁴

With Commission funding support, DJJ is aggressively moving to institute an evidence-based screening and assessment system. However, individual youth do not currently receive an individualized case plan which drives programming, services or treatment. Youth do not receive services tailored to reduce the risks they present, address their immediate and long-term needs, or build on their strengths and goals.

61. Parole File 81.

62. Parole File 147. DJJ ranks and tracks the mental health levels of each youth in custody on a scale of 0–4. MHL-0 is equivalent to having no identified mental health needs.

63. Parole File 202.

64. Parole File 212.

RELEASE HEARINGS DO NOT FOSTER EFFECTIVE RELEASE DECISIONS OR SUCCESSFUL YOUTH REENTRY

Under current Illinois law, the Prisoner Review Board alone has the authority to release a youth from incarceration and place him on parole.⁶⁵ However, PRB release hearings are currently a *pro forma* release determination, since only youth pre-selected by DJJ appear at parole hearings. PRB members therefore conduct little substantive independent review of either youth readiness or DJJ's release planning.⁶⁶

The Prisoner Review Board Is Not a Juvenile-Focused Body

The Prisoner Review Board is a 15-person body appointed by the Governor and with the advice and consent of the Senate. According to the Prisoner Review Board's 2009 annual report, only 6.5 percent of the Prisoner Review Board's activities are juvenile related.⁶⁷

65. In addition to PRB release hearings, youth technically have two other options for release consideration by the PRB. Under the Illinois Administrative Code (20 IL ADC 1610.20(b)), all youth are immediately eligible for parole once they are incarcerated. However, youth are not informed of their right to request a hearing—not by their attorneys, Department of Juvenile Justice counselors, or by the Prisoner Review Board.

In response to a questionnaire sent by the DCFS/DJJ Aftercare Merger Workgroup, the PRB indicated that the only way youth are informed of their right to request a hearing is by searching through the Illinois Administrative Code and Illinois Statute at a facility's law library. The Commission visited the libraries at seven of the eight facilities and none had a current copy of the Illinois Administrative Code and Illinois Compiled Statutes. Youth are thus completely unable to access information about their rights.

Additionally, there is no mechanism or procedure in place to allow youth to request a hearing. In response to the DCFS/DJJ Merger Workgroup questions, the PRB indicated that only 1 in over 1,200 incarcerated youth exercised his right to request a hearing in the past year.

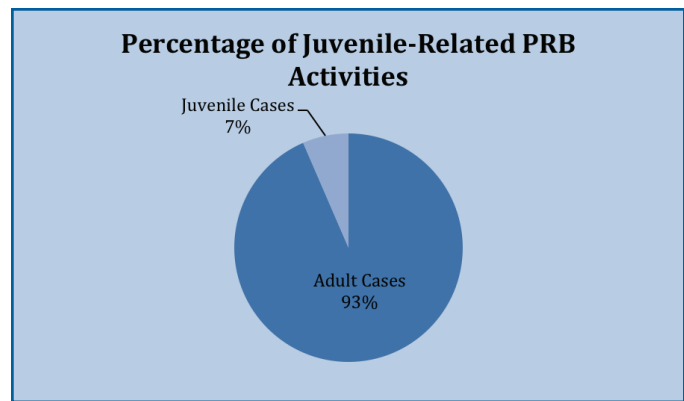
Moreover, a youth should be considered for parole at an annual review hearing. Under the governing statute (730 ILCS 5-3-4(a)), juveniles must be considered for parole 30 days before the expiration of their first year of commitment, and every subsequent year that they are committed. Significantly, however, Juvenile Justice Commissioners did not observe any youth released at an annual review hearing. It is noteworthy that, while the Prisoner Review Board's Annual Report (2009) contains the percentage of youth released at parole hearings, it does not contain the percentage of youth released at annual reviews.

If the Department of Juvenile Justice supports a youth's release, the hearing is considered a parole hearing, not an annual review. If DJJ does not support release, the hearing is considered an annual review and the youth is not released. Therefore, the annual review is not an opportunity for release unless DJJ supports release.

Because the annual review is not a meaningful release determination, the content of annual reviews varies considerably between facilities and PRB members. For example, Commissioners observed annual reviews in which youth were not even present. As one Commissioner recorded, "the concept of annual reviews seemed not to be understood."

66. The agency's most recent annual report (2009) documents that the PRB grants parole in 96 percent of parole hearings. STATE OF ILLINOIS PRISONER REVIEW BOARD, ANNUAL REPORT 2009, available at <http://www2.illinois.gov/prb/Documents/prb09anlrpt.pdf>.

67. Id



Statutorily, 6 of the 15 Prisoner Review Board members are required to have "at least 3 years of experience in the field of juvenile matters."⁶⁸ The statute does not define "experience in juvenile matters," but when the DCFS/DJJ Aftercare Merger Workgroup asked the Prisoner Review Board which of its members had the requisite juvenile experience, the Prisoner Review Board stated that all 15 PRB members gain experience in juvenile matters by sitting on the Prisoner Review Board.⁶⁹

The Prisoner Review Board Frequently Fails to Conduct Substantive Release Hearings

Parole hearings take place at the IYC facility where a youth is incarcerated. At some facilities, parole hearings take place in private make-shift rooms, using temporary dividers. At others, hearings occur in a large gym, where several folding tables are set up for the hearing. Three hearings typically occur simultaneously. Commissioners observed that youth coming from segregation appear at their hearing in wrist shackles and chained to a correctional officer.

At least one PRB member and one youth must always appear at a release hearing. An IYC staff member commonly attends a hearing to represent DJJ's position regarding the youth's release.

When a parole hearing begins, the PRB member receives the juvenile's master file,⁷⁰ which may contain documents such as the youth's police and court documents, disciplinary records from incarceration, a report provided by the Probation Department to the juvenile court judge at the time of commitment, and institutional education and treatment progress. The PRB member also receives any letters

68. 730 ILCS 5/331(b).

69. See Appendix G for the Department of Juvenile Justice and Prisoner Review Board Responses to Questionnaires Submitted by the DCFS-DJJ Aftercare Merger Workgroup. Since the Commission's study began, the Governor has appointed a few new PRB members who have youth-related experience, but juvenile parole decisions are still not being made exclusively by those members, nor are any seated members required to maintain up-to-date training in juvenile justice best practices.

70. See Appendix D for a list of all documents included in a master file.

sent by the committing county’s State’s Attorney objecting to parole, a brief summary of the youth’s incarceration written by the IYC facility, as well as any certificates of program completion presented by the youth. Master files can be quite lengthy. Nonetheless, Commissioners observed that in many cases the PRB member did not review the master file at all and instead relied on a 1- to 2-page summary of the youth’s incarceration prepared by DJJ.

In some instances, Commissioners observed the PRB conduct substantive hearings, in which the PRB member reviewed the youth’s master file and engaged in a meaningful discussion with the youth. Far more frequently, however, Commissioners observed the PRB conduct quick, cursory hearings that failed to recognize an individual youth’s strengths, risks, or needs.

One Commissioner observed a hearing in which there was “no time for introduction or discussion. [The PRB hearing officer] was reading the wrong form and initially was going to deny parole. Then someone walked by and noticed the sheet did not match the kid sitting there. [The] youth was paroled.”

Youth Receive Minimal Advocacy at Parole Hearings

Attending a parole hearing can be challenging for families, as many of the IYC facilities are located in remote locations around the state, making them costly and logistically difficult to reach without a car. Additionally, hearings always take place on weekdays, and family members cannot always take time off from work to attend. Of the parole hearings observed by Commissioners, family members were present at 51 percent of hearings.

Attorneys almost never appear at parole hearings, despite youths’ right to an attorney. Of the 123 parole hearings observed by Commissioners, an attorney was present at only 1 hearing.

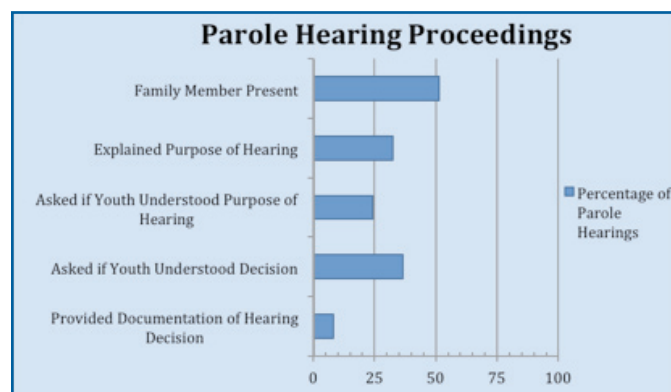
In addition to the fundamental fairness implications of expecting teenagers to advocate effectively for their own release and care, the lack of advocacy and adult support at parole hearings means that PRB members have limited information available to them to gauge a youth’s readiness for release or to craft appropriate aftercare supervision and support.

The PRB Provides Minimal Explanation of the Hearing Process and Its Decision to Youth

In most of the parole hearings observed by Commissioners, PRB members failed to explain the purpose and outcome of the hearing to the youth. The PRB member explained the purpose of the hearing to youth in only 33 percent of the hearings and asked the youth if he or she understood the purpose of the hearing only 24 percent of the time. In only 37 percent of parole hearings did the PRB member ask the youth if he or she understood the Board’s ultimate decision.

Statutorily, the PRB must provide a written explanation of the parole decision to the youth.⁷¹ However, the Commission observed that youth received documentation of the parole decision in only eight percent of hearings observed by the Commission. While the youth may eventually be provided with a copy of the decision form by IYC staff or a parole agent, youth are frequently left in limbo as to the outcome of the hearing, especially given the infrequency with which the hearing purpose and decision are explained.

At one facility, Commissioners observed youth being instructed to sign blank parole decision forms, acknowledging their understanding of the hearing outcome, before the start of the proceeding.



PRB Decisions are Made by a Single Board Member, in Contravention of Legal Requirements

By law, at least one PRB member must interview the youth at a hearing, but the determination for release must be made by a panel of three PRB members.⁷² Commissioners consistently observed that one PRB member conducts hearings, as is required by statute, but that two other PRB members simply sign the decision, without any review whatsoever. The Commission observed only four hearings, out of 123, in which a PRB member consulted other board members in making a release decision.

PRB Release Decisions Are Not Based on Uniform, Evidence-Based, or Publicly Known Criteria

The Prisoner Review Board is granted discretion in making a release determination, but the discretion is circumscribed by administrative guidelines, available relevant evidence,⁷³ and the best interests of the youth and community.⁷⁴

71. 730 ILCS 5/33-5(f).

72. 730ILCS 5/3-3-2(a); 730 ILCS 5/3-3-5(a).

73. “The decision is a subjective determination based upon available relevant information.” 20 IL ADC 1610.35(b).

74. “Youth won’t be paroled if he need of further institutional programs or if parole will not be in the best interests of the youth or the community.” 20 IL ADC 1610.35(b)(1)-(2)

In contrast to these parameters, Commissioners observed that each PRB member has developed an idiosyncratic set of criteria to determine whether a youth ought to be released and the conditions of parole mandated for a youth; these criteria are unpublished and inconsistent among PRB members. Commissioners observed arbitrary release determinations and parole conditions with little review of available evidence such as the DJJ master file, and without established institutional guidance or oversight.

Commissioners observed that some PRB members will not release youth if they do not have family in attendance. Others will not release youth if they had received a disciplinary violation within a certain timeframe before a parole hearing. As a PRB member told a youth: “It’s my personal policy not to parole if there’s [disciplinary] tickets.” One Commissioner observed that “PRB hearings and release decisions are sometimes delayed for disciplinary reasons tantamount to typical adolescent behavior without regard to whether those behaviors suggest the youth is a threat to self or others, could be better served in the community, or is likely to recidivate.”

Commissioners observed that fundamentally, parole hearings are an ineffective mechanism to make decisions in the best interest of youth and the community. A sample of Commissioner observations include:

- “[Parole] decisions are sometimes arbitrary, capricious, and in general not professionally sound in most cases.”
- “[Parole] decisions are not based on solid clinical, therapeutic information, or rehabilitative factors in most cases.”
- “PRB members & IYC staff are seriously in need of training/education regarding adolescent development, therapeutic treatment modalities, the number, range & quality of community-based services, institutional best practices for juvenile corrections, etc.”
- “I question whether the PRB process is really the best way to handle parole decision[s]. It seems like a potentially inefficient and ineffective and perhaps even unjust way to handle parole decisions.”
- “My overall thoughts on the way the process worked after sitting in . . . [were] that in sum the system was fatally flawed. I could not glean from my conversation with [the PRB member] other than overseeing juvenile PRB hearings, what relevant expertise or experience he had to make parole decisions for youth.”
- “The Prisoner Review Board is unsuited to make clinical release determinations that address both youth needs and public safety considerations. [Most] PRB members do not have meaningful experience working with adolescent youth, nor a

substantive knowledge of clinical risk and needs assessments. The PRB does not have adequate interaction with the youth, or an understanding of the youth’s background, interests, education, or family life. . . . The current parole hearing system results in arbitrary decisions that protect neither youth nor public safety.”

Release hearings included little or no examination of a youth’s primary risk factors for recidivism, strategies for addressing them, or a youth’s personal strengths or goals. As a result, the release decisions made by the PRB fell far short of being objective, well-informed, fair or individualized.

Release Conditions Mandated by the PRB Are Not Tailored to Reduce Risk or Produce Positive Outcomes

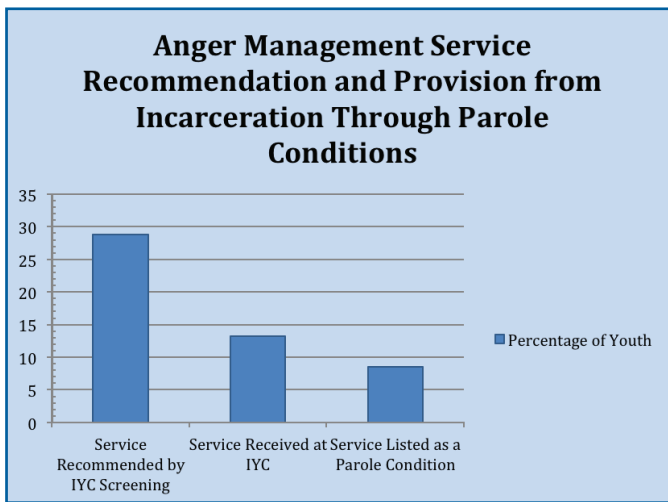
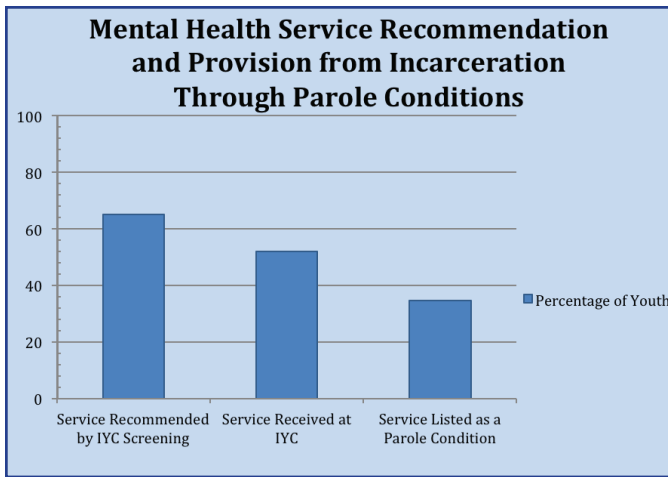
While the PRB’s overall release decision may often reflect DJJ’s determination of readiness for release, the PRB has unchecked authority in mandating conditions of parole at release hearings. In addition to the 17 boilerplate conditions of parole that are applicable to all parolees in Illinois (both adults and juveniles),⁷⁵ the PRB can and does establish additional conditions of parole. Frequent “special conditions” of parole include: procuring substance abuse treatment, anger management, or mental health services; remaining under in-home electronic detention; attending school; seeking employment; and abiding by a particular curfew.

Conditions of parole define the parameters of a youth’s entire release process. Consequently, appropriate conditions of parole are vital for successful youth reentry. The Commission found, however, that the conditions of parole mandated by the Prisoner Review Board frequently did not match identified youth needs, despite the availability of DJJ records. Conditions of parole are mandated by the PRB without meaningful youth, family, or advocate input.

For example, the Commission found that:

- while 65 percent of youth were recommended for (by IYC screeners) mental health services, only 35 percent of youth were mandated to receive mental health services while on parole;
- while 29 percent of youth were recommended for anger management treatment, only 8 percent of youth were mandated to attend an anger management program.

75. A parolee must: not commit a crime in any jurisdiction, not possess a firearm or other dangerous weapon, report all arrests to an agent of the Department of Corrections within 24 hours after release from custody, successfully complete sex offender treatment if convicted of a sex offense, not possess narcotics or other controlled substances or frequent locations where controlled substances are illegally distributed, follow specific instructions provided by the parole agent, consent to searches of his person and property, provide truthful information to his parole officer and seek permission from the Department of Corrections before leaving the state or changing residences. 730 ILCS 5/3-3-7(a).



Commissioners consistently observed that parole conditions imposed were arbitrary, imposed by rote and based primarily upon the choices available on a boiler-plate adult parole order form. As a result, mandated services and conditions were not tailored to produce positive youth outcomes. To the extent that these processes and decisions appear to be arbitrary or unrelated to the needs of an individual youth, this model may actually undermine compliance with the terms of parole. Regardless of the appropriateness of the terms and conditions imposed on youth, there were few or no mechanisms in place to effectively communicate expectations to youth, families, facilities, or parole agents.

C. RECOMMENDATIONS FOR REFORM

DJJ Must be Equipped and Accountable for Preparing Youth for Timely, Successful Release

The State of Illinois is responsible for ensuring that youth are in fact receiving the services and guidance required to achieve the Department’s release and discharge goals for youth in the shortest period of time possible, while protecting public safety goals. At a minimum, the state must equip DJJ to:

- identify the needs and strengths of the youth in its care, through evidence-based, youth-specific screening and assessment tools;
- develop individualized case plans for the youth in its care; and
- deliver high-quality education, treatment, and programming which meet the identified needs of youth and build upon individual youth’s strengths and goals.

Because individualized case planning is an essential component of preparing youth for timely release, the Department must promulgate both formal rules and internal policies governing regular review of youth case plans, to ensure effective release planning, service provision, and youth progress.

Case reviewers should retain sufficient independence from the case planning and service delivery personnel whose actions they will review.⁷⁶ Case reviewers may be DJJ personnel but alternately could be contracted through a shared services agreement with another child-serving agency.⁷⁷ Their decisions should be subject to further review, if warranted, and DJJ must provide an appropriate mechanism for youth to appeal case review decisions.

Youth, their parents/guardians, and the DJJ professionals primarily responsible for case planning and treatment (e.g. Aftercare Specialists) must participate in the case reviews. Other parties (advocates, attorneys, family members, educators, and non-DJJ treatment providers) must be allowed to participate with the consent of either the youth or DJJ, and youth must be fully engaged in this process. This review should be an integral component of a youth’s treatment in facilities and should occur as frequently as necessary to allow both thorough review and swift remedies (e.g. on a monthly, bimonthly, or quarterly basis). Case plan reviews should be crafted to:

- ensure that DJJ has sufficiently assessed the youth’s needs, risks, and protective factors;
- ensure that DJJ has, in conjunction with the youth and any family or community supporters, created an appropriate individualized rehabilitation and release plan;
- discuss the content of rehabilitation and release plans with the youth, ensuring that youth understand what is expected of them;
- review whether all necessary services are being provided by DJJ and document any deficiencies;
- review whether youth are complying with the rehabilitation and release plan and, if they are not

76. For example, analogous DCFS reviews are administered within a separate Division of Administrative Case Review. 89 IL ADC 316.50(a).

77. 730 ILCS 5/3-2.5-15(e). “Where possible, shared services which impact youth should be done with child-serving agencies.” *Id.*

“While youth are currently entitled to request a parole hearing at any time, they are not informed of this right and there are no practical mechanisms to request consideration.”

- complying, determine whether changes in the service plan or goals are needed;
- address any educational, health, behavioral, emotional, or other needs of the youth;
- determine whether or not service provision in a locked secure facility is still required (e.g. provide a meaningful opportunity for release); and
- set goals for the next case review period, report findings and make recommendations.

A follow-up review should occur in advance of the next regularly-scheduled review period if there are any documented service provision deficiencies, as these must be corrected without delay. Youth should be granted a limited right (e.g. once or twice per year) to request a special case plan review on an expedited schedule (in advance of the next regularly-scheduled review). Youth must be informed of this right and how to exercise it upon entering DJJ custody and at every regular case plan review.

Release Hearings Must Occur at DJJ Recommendation, at Youth Request, and at Regularly-Scheduled Intervals

Because most clinical services can be delivered at a lower cost in community settings and result in better outcomes, timely release is an important state fiscal and public safety interest, not only a civil liberty interest for individual youth.

Currently, youth are presented for release based largely on the offense-driven, formulaic Administrative Release Date, which is inconsistent with Illinois’ indeterminate/rehabilitative sentencing laws and minimizes DJJ’s accountability to prepare a youth for successful release. The process by which youth are presented for release consideration must instead be based on the individual youth’s case plan and the youth’s progress toward release readiness.

DJJ must establish and promulgate consistent, evidence-based criteria for release readiness. Whenever DJJ determines that a youth meets its release criteria, it must present the youth to the PRB for a release hearing without delay. DJJ staff, youth and families must develop in-facility goals for youth and must create clear, practical plans to achieve these goals in a timely manner. At fixed intervals (e.g. monthly), DJJ must assess each youth’s risk level and treatment progress according to the established release standards to determine whether youth is ready for release. DJJ must articulate to youth the progress the youth must achieve for release,

creating clear behavioral and programmatic goalposts for each youth. Training, technical assistance and quality assurance will be essential components of moving DJJ toward an effective release-preparation model.

Youth must have their right to request a hearing made meaningful. While youth are currently entitled to request a parole hearing at any time, they are not informed of this right and there are no practical mechanisms to request consideration. DJJ must inform youth of their right to be presented for release and must develop rules, policies, and mechanisms to achieve meaningful consideration of release readiness by the PRB upon youth request.

Statutorily-mandated review of release readiness, now required annually, should be required every six months. Annual reviews are a concept geared toward fully developed adults and do not comport with the fast pace of adolescent development, nor do they mitigate the negative impact of unnecessarily lengthy stays in a prison facility on impressionable youth. The procedural and structural improvements applicable to other release consideration hearings must be applied to the mandated reviews as well.

Prisoner Review Board Members Must Be Highly-Qualified in Juvenile Specific Issues

The Prisoner Review Board currently uses criminal justice measures such as length of time served and number of institutional tickets as the primary basis to judge youth release readiness, employing standards that presume adult capabilities and disregard actual risk levels. Youth do not weigh consequences or plan for the future the way adults can and do. Given the right support and appropriate supervision, most youth are also capable of positive change and growth.

Responding appropriately to the differences between youth and adults does not require absolving youth of accountability for harmful behavior. Instead, it requires skilled professionals charged with moving a youth toward successful and safe return to the community. In order to achieve the principles of the juvenile justice system during the release process, all PRB members hearing youth cases must be highly qualified to conduct youth hearings, knowledgeable in youth issues and skilled in interacting with youth, their families, and DJJ facility and aftercare staff.

The state must therefore develop heightened qualifications for PRB members who will handle youth caseloads and meaningful measures to identify and retain qualified

Board members. Youth-appropriate qualifications must be demonstrable prior to hearing a juvenile parole case, not acquired on the job or “as a result” of hearing youth cases, as is currently the situation. PRB members must also receive advanced, on-going professional development and training on issues such as:

- Adolescent brain development and decision-making;
- Trauma, its impact on youth development and effective trauma-informed services;⁷⁸
- Evidence-based practices in identifying youth needs, strengths and assets;
- Evidence-based, youth-oriented services, supervision and support before and after release from secure detention;
- Principles of effective institutional case management, including family engagement in positive behavioral change and use of community-based services and support;
- Behavioral health (mental health and substance abuse) needs of justice-involved youth and effective means of addressing those needs; and
- Effective interactions with youth, families and staff, including age-appropriate communication, special attention to issues impacting fundamental fairness, and motivational interviewing and other procedural justice strategies⁷⁹

This type of advanced training must be coupled with ongoing support and quality assurance, recognizing that PRB members hearing youth matters make decisions that affect the trajectory of a youth’s life and the well-being of the community.

The State Must Develop Detailed Criteria for Release

To ensure that release decisions are well-informed, objective and fair, there must be clarity about the appropriate criteria for release. The Commission recommends that DJJ, the PRB, and the Commission work together to identify standards for assessing a youth’s readiness for release which focus on:

- The best interests of the individual youth and whether the youth’s needs will be better addressed in a secure facility or in a community-based setting;
- The youth’s risk to reoffend;
- The least-restrictive setting in which the youth’s risks for reoffending can be effectively addressed; and
- The supervision and service strategies most likely to assist the youth in developing needed skills and competencies, including education, vocational skills and employment opportunities.

The State Must Establish Standard Protocols for Determining and Communicating Release Readiness

Although release criteria will serve as consistent, objective guidelines for assessing release readiness, the decision of whether and under what conditions to release youth must be based on individual youth risk levels, needs, and the specific services required to develop youth competencies and skills.

Community corrections research consistently demonstrates that a primary focus on “static” or unchangeable factors (such as offense history) is of limited utility in making release decisions or developing aftercare plans. Therefore, DJJ and the PRB must use validated assessment tools which also focus on the “dynamic” or changeable factors in a youth’s life—such as attitudes and values, decision-making skills, relationships with pro-social peers and adults, and educational engagement.

The PRB Must Appropriately Convey Release Decisions and Conditions to Youth

In observing parole hearings, Commissioners noted that even when a hearing had resulted in a favorable decision, youth and families often did not understand what had occurred or why. They also did not appear to understand what was going to happen next, what was expected of them, nor what to expect from the parole agent assigned to their cases. The boiler-plate parole order, based on the form used for the adult Department of Corrections, conveys little meaningful information about PRB decisions or youth obligations. Confusion over these matters does not advance the ability and motivation of youth to comply fully with the terms of their parole.

PRB members must communicate more effectively both orally and in writing to ensure that youth, families and staff know their rights and obligations and to motivate compliance. The PRB must develop internal standards regarding communication about juvenile cases, so that decisions are understood and, whenever possible, considered objective, fair, and just.

78. See JULIAN FORD ET AL., NAT’L CENTER FOR MENTAL HEALTH AND JUV. JUST., TRAUMA AMONG YOUTH IN THE JUVENILE JUSTICE SYSTEM: CRITICAL ISSUES AND NEW DIRECTIONS, 1–3 (June 2007). About 25% of 9–16 year olds in the general population report experiencing at least one traumatic incident, but this number is much higher (90 percent) among juvenile detainees. *Id.* Studies show that up to 50 percent of youth in the juvenile justice system experience Post-Traumatic Stress Disorder (PTSD). *Id.* Knowledge of trauma and PTSD among the juvenile justice population is required to provide effective interventions.

79. See U.S. DEPARTMENT OF JUSTICE, A GUIDE FOR PROBATION AND PAROLE: MOTIVATING OFFENDERS TO CHANGE 1 (June 2007). The purpose of motivational interviewing (MI) is to listen to the offender and focus on the positive points they have expressed, thereby motivating positive changes in their lives. MI serves as a primary, evidence-based tool in medical and social service fields to motivate positive behaviors.

“Responding appropriately to the differences between youth and adults does not require absolving youth of accountability for harmful behavior. Instead, it requires skilled professionals charged with moving a youth toward successful and safe return to the community.”

Release Hearings Must Be Recorded and Denials Must Be Reviewable

Parole decisions are recorded on the adult-based boilerplate parole order, a form relying heavily on check-boxes to indicate decisions and parole conditions. There is no record created of what information was presented to the PRB, by whom or in what form. There is no record of any statements by a youth or his family in relation to readiness for release, or whether the PRB member found this information useful or compelling. There is no record of the key factors leading to a decision to release or—more importantly—what issues require further incarceration. In an overwhelming number of cases, the PRB member provides no written reason of any kind for his or her decision, thwarting internal oversight of members and decisions. There is no mechanism for review or reconsideration of a decision to deny release.

A decision by a single PRB member to deny release must be subject to review by a three-member panel within

30 days of the decision to deny release. To promote oversight and make meaningful review possible, parole hearings must be recorded either by transcription, electronic recording or—as a last resort—by the creation of more detailed forms which can capture the information presented, by whom, what weight it was accorded and how that information influenced the decision to deny release.

Each DJJ Facility Must Have a Legal Advocate Available

At the conclusion of a court case resulting in commitment to DJJ, youth cease to be represented by their public defender. Youth in facilities overwhelmingly have no access to attorneys or other outside advocates. Because length of incarceration is primarily a matter of agency discretion, a legal advocate must be available at each IYC facility, to assist youth in contesting excessive incarceration or interruptions in receiving required programs and services.

IV. YOUTH REENTRY

A. APPLICABLE LEGAL PROVISIONS

Legal Provisions Relating to Reentry Programs

- The Illinois Department of Juvenile Justice is mandated “to establish and provide transitional post-release treatment programs for juveniles committed to the Department. Services shall include but are not limited to:
 - family and individual counseling and treatment placement;
 - referral services to any other State or local agencies;
 - mental health services;
 - educational services;
 - family counseling services; and
 - substance abuse services.”⁸⁰

Legal Provisions Relating to Parole

- Youth remain on parole until the age of 21 unless discharged early.⁸¹
- “The Prisoner Review Board may enter an order releasing and discharging one from parole or mandatory supervised release, and his commitment to the Department, when it determines that he is likely to remain at liberty without committing another offense.”⁸²

B. OBSERVATIONS AND FINDINGS REGARDING YOUTH REENTRY

The Current Parole System Follows an Adult Surveillance Model that is Inconsistent with Best Practices in Juvenile Reentry

Once a youth is released onto parole following incarceration, the youth is transferred to the supervision of the Department of Corrections Parole Services Division under a shared service agreement with DJJ. Although state law allows discharge from parole at any time, youth typically remain on parole until the age of 21.

Adults and juveniles on parole are monitored by the same parole system run by the Department of Corrections—a system designed for adult parolees.⁸³ At a minimum, all parolees in Illinois are subject to the same seventeen standardized conditions of parole.⁸⁴ The parole system acts as

80. 730 ILCS 5/3-2.5-20.

81. 730 ILCS 5/3-3-8(a).

82. 730 ILCS 5/3-3-8(b).

83. Cook County has a separate Juvenile Parole Division, but it is under the umbrella of the Department of Corrections.

84. 730 ILCS 5/3-3-7(a).

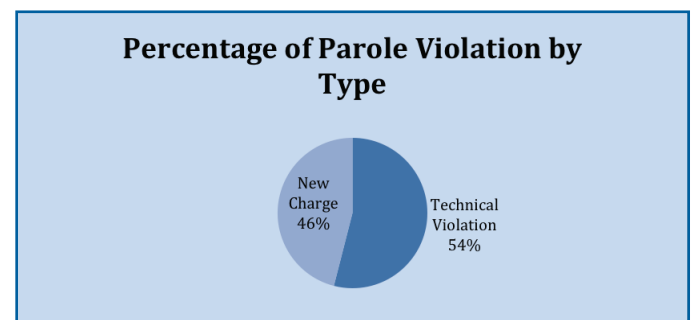
a surveillance-only system, primarily ensuring that adults and juveniles on parole do not engage in prohibited behavior. Focused on compliance and calibrated for adults, this system fails to assist juvenile parolees with locating and obtaining necessary services.

Parole is Frequently Revoked for Youth Based on Technical Parole Violations

The adult surveillance-only focus of parole can be seen in the high number of youth whose parole is revoked for a technical parole violation. The Commission found that the majority of youth reincarcerated while on parole were reincarcerated on technical parole violations rather than for a new criminal offense.

- 54 percent of youth from December 2009—May 2010 were reincarcerated for technical violations.
- 34 percent of technical violators were reincarcerated for going AWOL (i.e. losing contact with the parole agent).

Incarceration disrupts a youth’s reintegration into school, work, family, and the community. Incarcerating youth for technical parole violations imposes an enormous financial burden on the State of Illinois without increasing public safety and is indicative of the failings of applying the adult surveillance parole model to youth reentry.



The Juvenile Reentry System Must Encompass Both Surveillance and Services

As a threshold matter, it is important to note that “most children and youth manage to thrive and develop, even in the presence of multiple risk factors.”⁸⁵ The focus of an effective youth reentry program must therefore be to address the risk factors most likely to influence a youth’s outcomes, while building upon juveniles’ already existing strengths and coping mechanisms in order to promote long-term pro-social behavior.

85. JEFFREY A. BUTTS, GORDON BAZEMORE & AUNDRA SAA MEROE, COALITION FOR JUVENILE JUSTICE, POSITIVE YOUTH JUSTICE: FRAMING JUSTICE INTERVENTIONS USING THE CONCEPTS OF POSITIVE YOUTH DEVELOPMENT 9 (2010).

Typically, juvenile reentry services should include a “surveillance” and a “service” component,⁸⁶ meaning reentry programs both monitor (i.e. “surveil”) the juvenile’s behavior as well as provide the juvenile with social service programming. Research is mixed, however, on whether the surveillance aspect of reentry is effective in reducing recidivism; intensive post-release surveillance may do nothing more than increase the number of youth rearrested for technical parole violations.⁸⁷ Instead, addressing youth needs “in the context of a family-focused, strengths-based, trauma-informed, involved parole model, combined with policy changes that may increase the likelihood of successfully completing parole, holds promise of reducing recidivism.”⁸⁸

The principles of a successful juvenile reentry program include:

- Providing sufficient support and supervision to high-risk offenders while avoiding “one size fits all” disruptive interventions with low risk youth;
- individualized reentry programs targeting each youth’s unique strengths and needs;
- allowing flexibility in the implementation of each case plan in response to changing youth behavior;
- linking youth to institutional and community-based services; and
- collaborating with the youth’s family and intersecting state systems (e.g. DHS, DCFS, etc.).⁸⁹

Researchers have also identified factors that do *not* work in relation to reentry programs, including: programs focusing on punishment and restraint without treatment; psychopathological approaches; and intrusive supervision of low-risk offenders.⁹⁰ An effective reentry system involves specialized staff, small caseloads, and culturally-competent community-based services and strategies intentionally designed to enhance youth outcomes and protect public safety.

The Commission found that the current surveillance-only model for juvenile parole in Illinois is ineffective, if not counterproductive, in terms of encouraging pro-social

youth behavior and minimizing recidivism. The particular failings of the Illinois parole system as applied to youth are discussed in greater detail below.

Release Plans Developed by DJJ and Parole Provide Only Nominal Preparation for Youth Release

Each youth is readied for release through the preparation of a release plan, which must include “where and with whom [the youth] will live, location in terms of employment or school attendance, family relationships and obligations to be assumed on release.”⁹¹ DJJ submits a host site (“where and with whom [the youth] will live”) to the DOC Parole Division for approval.

At some Illinois Youth Centers, the staff may be willing to work more thoroughly with a youth to help him or her prepare a detailed release plan prior to presentation before the PRB; however, this kind of individual attention is not always provided. In addition, there appears to be no mechanism for youth to revise or seek reconsideration of a rejected release plan. Such rejections are common, particularly given DOC’s stringent and adult-based requirements regarding host sites.⁹²

The PRB Orders Services Regardless of Whether the Services Are Available in the Youth’s Community

Many conditions of parole mandated by the Prisoner Review Board at parole hearings require a youth’s engagement with community-based resources and programming.⁹³ However, PRB members do not assess the availability of programming in a youth’s community when mandating parole conditions.

86. Jeffrey A. Bouffard & Kathleen J. Bergseth, *The Impact of Reentry Services on Juvenile Offenders’ Recidivism*, 6 Youth Violence and Juv. Just. 295, 295 (2008).

87. Joshua S. Meisel, *Juvenile Parole and Reentry: A Critical Reflection on the Aftercare Evaluation Research*, Paper Presented at Annual Meeting of American Society of Criminology, St. Louis, MO (Nov. 2008) at 13.

88. Jason Brennen, Gary McClelland, Alison Schneider, Mike Stiehl & Dana Weiner, Mental Health Services & Policy Program, Northwestern University Department of Psychiatry & Behavioral Sciences, DATA ANALYSIS AND POLICY RECOMMENDATIONS: JUVENILE JUSTICE AFTERCARE PLANNING 34 (Sept. 2009) (manuscript on file with the Commission).

89. See, e.g., CHILD WELFARE LEAGUE OF AMERICA RESEARCH TO PRACTICE INITIATIVE, JUVENILE JUSTICE AFTERCARE: A PRACTICE SAMPLER (Mar. 2004).

90. *Id.*

91. 20 IL ADC 1610.35(e).

92. Currently, the adult Department of Corrections approves host sites for juvenile parolees by using the same criteria for approval as it does for adults. Although an adult resident signs the host site agreement with IDOC, any household infraction can result in the youth’s parole being revoked due to loss of the host site. In such cases, the youth is usually reincarcerated in a DJJ facility, even when the infraction is one over which teenagers do not normally have control in the household. Examples include: nonpayment of a land line phone bill (resulting in loss of electronic monitoring signal), a sibling or relative moving into the house (if there is any known gang affiliation), or even a resident at the house adopting a dog (if it is not neutered and microchipped, per 720 ILCS 12-36). Many of the host site requirements are onerous for adult parolees, but adults do have the option of renting an apartment and being responsible for their own living situation. Juvenile parolees ordinarily must live with family members or guardians. Additionally, the PRB frequently adds “obey all host site rules” as a frequent special condition of parole. While abiding by house rules seems to be a reasonable requirement for any teenager, parole conditions like this have unintended consequences, potentially elevating any standard family quarrel to the level of state intervention, parole sanction or even reincarceration.

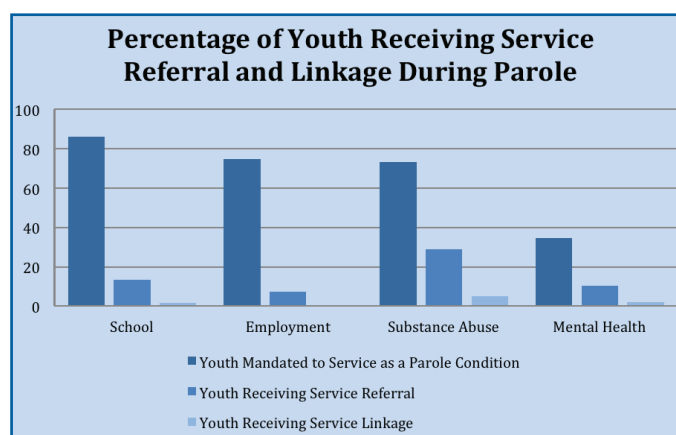
93. Approximately three-quarters of the youth studied by the Commission were ordered to participate in a community-based program or treatment by the Prisoner Review Board.

Parole Agents Do Not Assist Youth in Finding or Financing Mandated Services

By statute, the Illinois Department of Juvenile Justice is mandated to establish and provide transitional post-release treatment programs for juveniles once a youth has been released on parole by the Prisoner Review Board. Under the current system, through a shared services agreement, the Department of Corrections Parole Division is responsible for juveniles' post-release transitional programs. However, DOC's adult-oriented Parole Division is neither designed nor equipped to identify and provide effective transitional post-release support for youth.

The Commission tracked the frequency with which parole agents referred⁹⁴ and linked⁹⁵ a youth to a mandated community-based program and found that parole agents rarely, if ever, link youth to these PRB-mandated transitional programs. Juvenile parolees are expected to independently find and finance mandated treatment and programming.⁹⁶

The chart below indicates how infrequently the current parole system actually refers or links youth to the services ordered.



- Only 3 percent of the 386 youth tracked by the Commission were linked to mandated community-based services by their parole agent.⁹⁷

94. For the purposes of this file review, “referred” is defined as a parole agent providing a treatment provider’s contact information.

95. For the purposes of this file review, “linked” is defined as a parole agent assisting with scheduling or accompanying a youth to a program for an initial visit.

96. Youth and their families are solely responsible for financing any program mandated by the Prisoner Review Board. One youth tracked by the Commission canceled a scheduled counseling appointment, explaining to his parole agent that he had no money to pay for the mental health service. The agent recorded only the following unsympathetic response: “It is only \$8 and he needs to get it done.” Parolee File 376.

97. Substance abuse: conditions of parole for 282 youth; 111 youth referred; 19 youth linked.

Mental health treatment: condition of parole for 134 youth; 40 youth referred; 8 youth linked.

Employment: condition of parole for 288 youth; 28 youth referred; 2 youth linked.

Indeed, rather than linking youth to mandated programs and treatment, some parole agents impose disciplinary sanctions when youth face hurdles accessing necessary programming or services.⁹⁸

- A parole agent acknowledged the severity of a youth’s clinical needs: “[He] has tested positive 3xs for THC. . .and [his] father has passed away which will send youth over the edge.” But instead of attempting to link the youth to a provider for his mandated community-based substance abuse programming, the agent violated the youth for failing multiple drug tests and revoked the youth’s parole.⁹⁹
- A youth explained to her parole agent that she was having problems with her mental health counselor. The agent failed to respond to the youth’s concern, did not investigate the problem, and did not link the youth to a different service provider. After the youth stopped attending counseling the agent promptly violated her for “failure to comply with [the] mental health condition” of parole.¹⁰⁰

Graduated Sanctions for Noncompliant Youth Behavior are Inconsistently Implemented by Parole Agents

The Commission found that parole agents are inconsistent in their response to youth noncompliance (i.e. any failure to abide by a condition of parole).¹⁰¹

Parenting skills program: condition of parole for 24 youth; 4 youth referred; 0 youth linked.

School (GED/high school/college): condition of parole for 332 youth; 51 youth referred; 6 youth linked.

Mentorship program: condition of parole for 18 youth, 0 youth referred, 0 youth linked.

Anger management program: condition of parole for 33 youth; 1 youth referred; 0 youth linked.

Sex offender counseling: condition of parole for 34 youth; 6 youth referred; 1 youth linked.

98. The Department of Corrections Parole Division uses a Sanction Matrix to address noncompliance. See Appendix I for a copy of the Parole Division’s Sanction Matrix.

99. Parolee File 33.

100. Parolee File 19. The case management file of Parolee 326 told a similar story: paroled to a live-in mental health treatment facility, the youth reported “having trouble dealing with not knowing where father is located.” Soon after this problem was reported, the parolee attempted suicide. Instead of working with the facility staff or engaging other professional service providers to respond to the youth’s mental health crisis, the agent violated the youth back into DJJ custody.

101. In the Commission’s file review, parole officers revoked nearly 20 percent of youth after just one instance of noncompliance despite an official graduated sanctions policy. 12 percent of youth were revoked after two instances of noncompliance, 15 percent were revoked after three, 6 percent were revoked after four, and the remainder were revoked after five or more instances of noncompliance, ranging up to 20 instances of noncompliance.

“Because graduated sanctions and diversion measures are applied inconsistently, youth are left with an unclear understanding of appropriate parole behavior or presented with untenable choices to make.”

- A parole agent warned a youth that one more instance of noncompliance would result in placement on Electronic Detention. Ten days later, the agent placed the youth on Electronic Detention, even though the youth had not misbehaved.¹⁰²
- An agent initially responded to a youth’s noncompliance by requesting diversion. Then, before waiting to see whether the diversion request has been approved, and without any further instances of noncompliance by the youth, the agent submitted a warrant and violated the youth’s parole.¹⁰³
- A youth’s grandfather, who lived out of state, fell ill. The youth’s host (his mother) requested permission for the youth to join her in visiting the youth’s ailing grandfather. Instead of allowing out-of-state movement, the parole agent suggested placing the youth in “Half-Way Back” (a DJJ diversion program inside IYC Chicago that assists parolees experiencing difficulties transitioning into the community) for 14 days while his mother traveled out of state. The youth refused to be placed in Half-Way Back and left the state to visit his grandfather, after which the agent issued a warrant.¹⁰⁴
- A youth requested permission to attend his father’s funeral. The youth received no response from parole about his request, so he attended the funeral. An automatic warrant was issued for unpermitted movement and the youth’s parole was promptly revoked.¹⁰⁵

Because graduated sanctions and diversion measures are applied inconsistently, youth are left with an unclear understanding of appropriate parole behavior or presented with untenable choices to make.

Parole Agents Are Often Not Accessible to Respond to Youth and Family Requests for Assistance

The Commission found that parole agents often failed to respond to youth needs in a timely manner. The Commission

found lengthy, unexplained delays by parole agents in visiting, attempting contact, or following up with youth on their case loads.

- After an initial face-to-face meeting with a recently paroled youth, the parole agent did not make contact with the youth for one year. The agent attempted to make contact with the youth twice after a full year had elapsed, then violated the youth for his unavailability for visits by the parole agent.¹⁰⁶
- Some agents did not attempt to make initial contact with youth until long after the mandated 72-hour period had passed.¹⁰⁷ Whether or not they have been placed on house arrest as a condition of parole, all youth are required to remain inside their host site until a parole agent comes to see them.

In addition to these lapses in agent contact, the Commission found that many agents did not respond to time-sensitive youth needs.

- A youth left a message for his parole agent explaining that he has been “stabbed in the jaw.” The agent did not attempt to make contact or follow-up with the youth until three weeks later.¹⁰⁸
- A youth was doing well in school, in sports, and in complying with parole conditions. Letters sent from the youth’s school, host (his mother), and his prospective employer all indicated that they could not get in touch with the agent, and that the agent was not responsive. Instead of responding to the concerns of the youth’s support network, the agent violated the youth for failing to update the sex offender registry with a change of address.¹⁰⁹
- A youth requested to be placed on electronic monitoring for a 15-day period because she

102. Parolee File 195.

103. Parolee File 118.

104. Parolee File 165.

105. Parolee File 304.

106. Parolee File 229.

107. See, e.g., Parolee File 37 (Agent did not make initial contact with the youth until two weeks after the youth had been paroled. After this delayed initial meeting, the agent did not attempt to make contact with the youth again for another three months); Parolee File 170 (Agent did not make initial contact with the youth until 40 days after his release from DJJ custody).

108. Parolee File 266.

109. Parolee File 227.

believed it would help her stay out of trouble. The parole agent never followed up.¹¹⁰

- A youth's host repeatedly called the parole agent to report the youth's substance abuse and behavioral problems, including drunkenness and school suspension. The agent did not respond to the host.¹¹¹
- A youth and his mother left several messages for the parole agent reporting problems with the youth's host site (an inpatient treatment center), claiming that the center's staff has been threatening the youth and requesting help finding a new host site. The agent did not respond to or investigate these reports.¹¹²
- A youth was sent to Half-Way Back by the parole agent for failing to comply with parole conditions. The parole agent failed to notify the youth's DCFS worker that the youth had been sent to Half-Way Back, did not return four calls from the youth's DCFS caseworker inquiring about the whereabouts of the youth, and failed to return three calls from the youth's foster mother (host) wondering the same thing.¹¹³
- A youth and his mother called the parole agent several times requesting to a curfew extension so the youth could attend an evening GED class to fulfill his parole condition. The agent never responded to the request, the youth attended the GED class and was subsequently violated by the parole agent for breaking curfew.¹¹⁴

Youth are unable to contact parole agents directly, even if their designated agent is working and available. Instead, youth must filter all attempts to contact their agent through the AMS service, relying upon contract phone operators to accurately relay messages to their agents. Youth then wait for their parole agents to return their communication. The Commission observed that parole agent unresponsiveness often resulted in feelings of frustration and helplessness for the youth and those supporting the youth during the challenging reentry transition.

Many Youth Experience Host Site Challenges upon Release

The physical remoteness of many Illinois Youth Centers often prevents families from visiting incarcerated youth. Youth who are released from these facilities have been away from their families for months or years; during this time both youth and their families may have changed considerably. It is

110. Parolee File 25.

111. Parolee File 28.

112. Parolee File 34.

113. Parolee File 395.

114. Parolee File 113.

unsurprising that many youth experience challenges reintegrating into family life following release from incarceration.

- In the Commission's study, 32 percent of youth experienced host site problems while on parole.

Notably, the DOC Parole Sanction Matrix categorizes "no suitable or approved host site" as a "severe" parole violation, resulting in the automatic issuance of a warrant for parole revocation.¹¹⁵

- A youth left a message for his agent (through AMS), explaining that he must flee his host site to a location out of state because he has been shot in the face and his life was endangered. The agent called the youth's host, who verified that it would be safer for the youth to be out of state. Instead of attempting to ensure the youth's safety, the agent requested a warrant two days later and violated the youth for losing his host site and leaving the state without approval because "gangs are trying to get him."¹¹⁶
- A youth had no prior instances of parole non-compliance when he was asked to leave his host site. Instead of making an effort to help the youth secure a new placement, the parole agent responded by immediately running LEADS to see if the youth had any new arrests. The parole agent found no new charges but nevertheless violated the youth's parole for losing his host site. The violation report was filed just 12 hours after the youth has been asked to leave his host site; the parole agent did not attempt any sanctions or diversion efforts.¹¹⁷
- A youth called her agent three times over the course of two months, leaving messages about the difficulties at her host site, her need to move, and her efforts to secure a new host site. Without returning any calls or attempting any contact with the youth, and without taking any steps to approve the youth's new residence as a host site, the parole agent began revocation proceedings and violated the youth because her new home had not been approved as a host site.¹¹⁸

C. RECOMMENDATIONS FOR REFORM

DJJ Aftercare Specialists Must Replace DOC Parole Agents in Supervising Youth Reentry

Based on the Commission's reentry study findings, as well as the Commission's research on best practices in juvenile reentry, the Commission recommends shifting youth from adult

115. See Appendix I.

116. Parolee File 42.

117. Parolee File 145.

118. Parolee File 29.

“For the majority of youth, excessive time on parole only increases the likelihood of costly reincarceration for technical violations and does little to enhance their successful reintegration into the community.”

parole supervision to a youth-focused aftercare model. The Commission accordingly recommends that the Legislature fund the Department of Juvenile Justice Aftercare Specialist program statewide, allowing all youth to remain under the direct supervision of the Department of Juvenile Justice.

In designing and implementing its Aftercare Pilot, the Department of Juvenile Justice is in the process of implementing a new Aftercare Specialist system for juvenile reentry. In April 2011, seven Aftercare Specialists began working with incarcerated youth from Cook County. In August 2011, the Department of Juvenile Justice expanded the number of Aftercare Specialists in Cook County to 22. The Commission recommends that DJJ expand the Aftercare Specialist program to include all youth in custody of the Department of Juvenile Justice as soon as is practicable. By doing so, youth will no longer be subject to the ineffective DOC-run, adult-focused parole system which only serves as a surveillance and revocation mechanism.

The Department of Juvenile Justice recognizes that Aftercare Specialists must facilitate a cohesive stage-based continuum of services and programming for youth from incarceration through reentry. Aftercare Specialists will begin their relationship with a youth upon the youth's initial incarceration. During incarceration, the Aftercare Specialist will facilitate quarterly Transitional Youth and Family Team meetings to develop an individualized aftercare service plan with input from the youth, the youth's family/support system, and service providers (e.g. counselors, school staff, and mentors). The aftercare service plan created during incarceration establishes the goals and program involvement during supervised release (i.e. parole). Aftercare Specialists will coordinate with community service providers and link youth to programming outlined in the aftercare service plan.

For the first 90 days following release, a youth's Aftercare Specialist will maintain weekly face-to-face contact with the youth, after which the Aftercare Specialist will visit the youth monthly until the youth is discharged from parole. The Aftercare Specialist will also meet monthly with service providers and the youth's school.

The Aftercare Specialist will convene monthly Youth and Family Team Meetings during the first 90 days following a youth's release from incarceration. The Youth and Family

Team may include: youth, family members, host (if different from parent/guardian), school personnel, counselors, and service providers. Youth and Family Team Meetings will assess the youth's reentry adjustment, identify challenges the youth is experiencing, identify additional strategies and services necessary for successful reentry, and review the appropriateness of the aftercare service plan.

As the Aftercare Specialist program is expanded, it must be continually assessed and revised according to lessons learned from the pilot implementation. Additionally, the Department of Juvenile Justice must develop a grievance and feedback system for youth and families to voice critiques of the Aftercare Specialist system to better inform the development of the program as it expands across the state. Adopting the Aftercare Specialist program system-wide as soon as practicable not only ensures that youth will no longer be subject to an ineffective adult parole model, but will also direct scarce public resources toward evidence-based supervision and service strategies.

The State Must Reduce the Length of Parole by Statute and in Practice

All available data indicates that youth routinely remain on parole until their 21st birthday in Illinois. Thus many youth are under the costly current adult surveillance system for two, three, four, or even five years. For the majority of youth, excessive time on parole only increases the likelihood of costly reincarceration for technical violations and does little to enhance their successful reintegration into the community.¹¹⁹ Therefore before the Aftercare Specialist pilot programming has been implemented across the state, the General Assembly should immediately amend the parole statute consistent with the purpose of current law to indicate that parole should last no longer than 6 months.¹²⁰ Once the Aftercare Specialist program has been implemented statewide, successful completion of a youth's aftercare case plan must result in youth discharged from state supervision. The expectations for completing each stage of programming must be clearly articulated to the youth and members of the youth's support network.

DJJ Must Develop Youth-Appropriate Post-Release Conditions and Sanctions

Youth must no longer be subject to adult conditions of parole. Instead, the Department of Juvenile Justice must develop

119. Although youths who are under intensive supervision program are much more likely to violate their parole on a technical violation, they are less likely to recidivate if they receive necessary treatment and services. See, e.g., Justin Austin et al., *Alternatives to the Secure Detention and Confinement of Juvenile Offenders*, JUVENILE JUSTICE BULL. (Office of Juvenile Justice & Delinquency Prevention) (Sept. 2005) at 21.

120. The current statute can be found at 730 ILCS 5/3-3-8(a).

“Reliance on reincarceration in response to technical parole violations is not only fiscally inefficient, but is counter-productive to sustained pro-social youth behavior.”

youth-appropriate conditions of aftercare supervision.¹²¹ PRB-mandated conditions of parole should be consistent with DJJ’s recommended aftercare plan, providing individualized parameters for each youth’s post-release supervision.

The Department of Juvenile Justice must also develop youth-appropriate graduated sanctions for instances of non-compliance that take into account adolescent behavior and development. Behavior expectations and graduated sanctions must be clearly articulated to youth and their families as well as consistently and fairly implemented. Reliance on reincarceration in response to technical parole violations is not only fiscally inefficient, but is counter-productive to sustained pro-social youth behavior. As such, youth-appropriate graduated sanctions must be designed to substantively address, rather than merely punish, multiple relapses or misconduct, allowing youth to learn from relapses and increase their own accountability within the community.¹²² Youth-appropriate graduated sanctions must ensure that Aftercare Specialists respond to instances of non-compliance by making every available effort to keep youth out of secure custody.

DJJ Must Ensure Continuity of Programming and Information Sharing

In order to ensure a continuity of case planning and services for youth, the Department of Juvenile Justice and its

121. For a model of youth-appropriate conditions of parole (from Missouri), see Appendix J.

122. Relapses include the loss of employment, a positive drug test, failed participation in a mentoring program, etc. Noncompliance does not denote a new criminal charge.

Aftercare Specialists must actively develop a network of existing community-based service providers, organizations, and resources capable of working with delinquent youth.

To provide continuity between IYC school and community school, Aftercare Specialists must ensure that youth have physical copies of their school records.¹²³ The Aftercare Specialist must define educational goals with the youth while the youth is incarcerated, in order to encourage the youth to continuously pursue appropriate educational advancement during incarceration and upon release.¹²⁴

Additionally, in order for the expanded Aftercare Specialist program to be successful, DJJ must implement an integrated case management system to facilitate information sharing and continuous case planning from incarceration through reentry.

123. One youth requested IYC school records from his parole agent. The parole agent responded that records were confidential. Subsequently, the youth could not reenroll in school. Parole File 258.

124. Currently, there is a presumption that juveniles will participate in a GED program rather than reenroll in school. Research indicates a significant disparity in future employment between individuals with a high school diploma and a GED. When possible and appropriate, youth must be encouraged to reenroll in and graduate from high school. Where reenrollment in high school is not appropriate, youth must be linked to a GED or vocational program where the juvenile’s unique strengths and aspirations will be fostered. See, e.g., THE CHILDREN’S RESEARCH CENTER, IMPROVING EDUCATIONAL OUTCOMES OF YOUTH IN JUVENILE FACILITIES, available at http://www.nccd-crc.org/crc/crc_c_conference_previous.html.

V. PAROLE REVOCATION AND DUE PROCESS

A. APPLICABLE LEGAL PROVISIONS

- All youth on parole in Illinois are entitled to due process protections at revocation hearings, under both Illinois statute and the United States Constitution.¹²⁵
- Within five business days of taking a parolee into custody, the parole agent or other staff must serve on the parolee a Violation Report and Notice of Charges.¹²⁶
 - All youth must be informed of the charges against them as well as the date, time, and place at which he will have a preliminary hearing on the alleged violation.¹²⁷
 - If a youth does not waive his preliminary hearing, it must occur within 10 days of youth's apprehension. A hearing may be continued for up to two additional weeks in order to produce witnesses or other relevant materials.¹²⁸
 - A youth may bring letters, documents, or individuals who can give relevant information to the hearing officer.¹²⁹
 - All persons who have given adverse information must be made available for questioning in the youth's presence.¹³⁰
 - All witnesses must be sworn under oath.¹³¹
 - The hearing officer must be an employee of the Prisoner Review Board.¹³²
 - All parolees have a right to a transcript of the proceedings.¹³³
- If a youth waives his preliminary hearing, the Prisoner Review Board will hold his parole revo-

cation hearing typically within one month of being returned to the facility.¹³⁴

- The youth may request by subpoena the attendance and testimony of witnesses, as well as the production of documentary evidence relating to any matter under investigation or hearing.¹³⁵
 - At the hearing, the youth is entitled to the disclosure of evidence used against him, an opportunity to be heard in person, an opportunity to present witnesses and documentary evidence, and the right to confront and cross-examine adverse witnesses.¹³⁶
 - The youth has the right to a transcript of the proceedings.¹³⁷
 - If the PRB determines that the parolee has violated any of the terms and conditions of parole, it shall issue a written statement as to the evidence relied on and the reasons for revoking parole. The youth shall receive a copy of this statement.¹³⁸
 - If the PRB determines that a parole violation has occurred, it can continue and resume parole with or without modifications of the parole conditions or revoke parole pursuant to Illinois statute.¹³⁹
- At both preliminary and revocation hearings, all parolees have the constitutional right to be provided counsel where due process requires,¹⁴⁰ and the statutory right to retain their own counsel.¹⁴¹

125. *Morrissey v. Brewer*, 408 U.S. 471, 480-2 (1971) (holding that procedural due process requirements apply to parole revocation hearings); see also 730 ILCS 5/3-3-9.

126. ILLINOIS DEPARTMENT OF CORRECTIONS, PAROLE DIVISION, AGENCY DIRECTIVE P4.50.150.

127. *Morrissey*, 408 U.S. at 485; *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); 20 IL ADC 1610.140(a).

128. 20 IL ADC 1610.140(b)(3).

129. 20 IL ADC 1610.140(b)(1).

130. 20 IL ADC 1610.140(b)(1).

131. 20 IL ADC 1610.140(d).

132. "Hearing Officer" shall be defined as an employee of the Illinois Prisoner Review Board." *King v. Walker*, No. 06-C-204, N.D. Ill., Order dated Jan. 26, 2007, at II(5).

133. 20 IL ADC 1610.140(e).

134. A youth is placed on the next regular hearing docket upon return to a facility. 20 IL ADC 1610.150(a).

135. 20 IL ADC 1610.140(f).

136. 20 IL ADC 1610.150(b).

137. 20 IL ADC 1610.140(e). A court reporter may be provided at the parolee's expense.

138. 20 IL ADC 1610.150(i); 730 ILCS 5/3-3-9(d).

139. 20 IL ADC 1610.160(a),(d); 730 ILCS 5/3-3-9(a)(1)-(3).

140. In *Gagnon v. Scarpelli*, the Supreme Court held that there are "certain cases in which fundamental fairness—the touchstone of due process—will require that the State provide at its expense counsel for indigent . . . parolees" because the ability to effectively exercise the constitutional right to a preliminary and revocation hearing "may in some circumstances depend on the use of skills which the probationer or parolee is unlikely to possess." 411 U.S. at 786-787, 790. For a discussion of why juveniles categorically meet the Supreme Court's criteria, see Appendix K.

141. 20 IL ADC 1610.140(c)

“In stark contrast to the due process protections provided by the United States Constitution and Illinois statute, Commissioners rarely observed a youth being afforded their due process rights.”

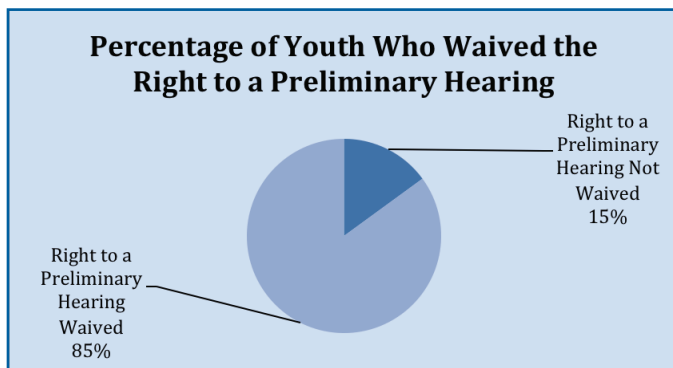
B. OBSERVATIONS AND FINDINGS REGARDING PAROLE REVOCATION

Youth Are Entitled to a Preliminary Hearing to Determine Probable Cause for Revocation

The preliminary hearing serves as an important mechanism to determine whether probable cause for a youth’s revocation exists, curbing inappropriate or arbitrary reincarceration.¹⁴² However, most youth fail to understand the purpose of the preliminary hearing and, on the advice of their parole agent, waive a preliminary hearing.

- 85 percent of the youth revoked from December 2009-May 2010 waived their right to a preliminary hearing. Due to their infrequency, the Commission was unable to observe a preliminary hearing.
- At five of the six parole school sessions observed, the right to and purpose of a preliminary hearing was incorrectly explained to the youth.

In instances when youth did not waive their preliminary hearing right and requested to call witnesses to testify on their behalf, the Commission found no documentation of witnesses present at the hearings.¹⁴³



142. The probable cause determination and the procedures in place for the preliminary hearing are central to the youth’s ability to challenge the action taken against him. If the youth waives his right to a preliminary hearing or proper procedure is not followed at the preliminary hearing, the youth is not presented with a meaningful opportunity to object to the action and his due process protections are violated. See 20 IL ADC 1610.140(b)(2); see also *Morrissey v. Brewer*, 408 U.S. 471, 484 (1972).

143. Parole Files 214, 209, 258, and 270.

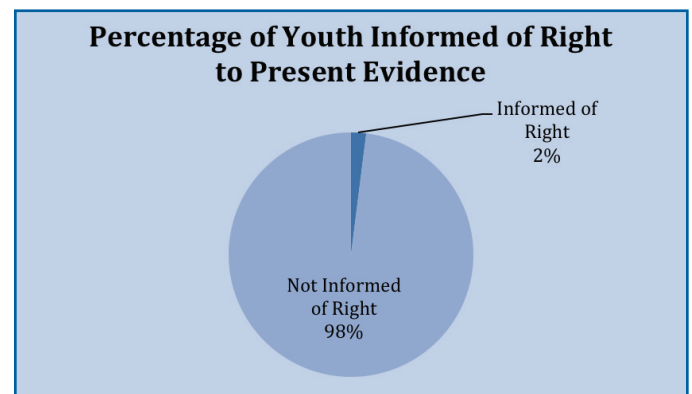
Youth Are Entitled to Constitutional Due Process Protections at a Parole Revocation Hearing

In stark contrast to the due process protections provided by the United States Constitution and Illinois statute, Commissioners rarely observed a youth being afforded their due process rights. Juvenile parole revocation hearings happen in a nearly identical manner to the parole release hearings discussed earlier, even though youth are entitled to significantly more robust due process protections at revocation hearings than at release hearings.¹⁴⁴

“Parole officers seldom attend revocation hearings to testify or present evidence regarding a youth’s noncompliance on parole.”

Youth Have the Right to Present Evidence and Confront Witnesses

Revocation determinations are made at the complete discretion of the PRB member, rather than based on the production and review of evidence and the testimony of witnesses. Parole officers seldom attend revocation hearings to testify or present evidence regarding a youth’s noncompliance on



144. Since parole release hearings and parole revocation hearings occur in the same room in facilities, on the same day, in the same manner, by the same Prisoner Review Board members, the two hearings are treated uniformly. In fact, on a number of occasions during the observation process, Juvenile Justice Commissioners were unable to discern whether a hearing was a release hearing or revocation hearing.

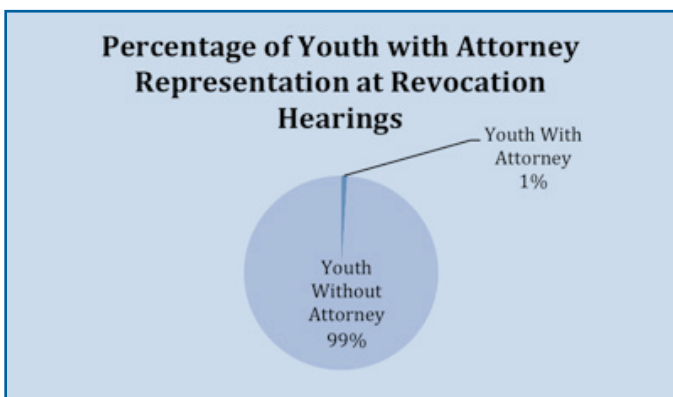
parole. Instead of live testimony, Commissioners observed that PRB members base most revocation decisions on a one-to-three page parole violation report prepared by the youth's parole agent. Notably, too, youth often have limited access to this report and may see it for the first time at the hearing itself. In addition, because parole agents rarely appear at revocation hearings, youth have no opportunity to cross-examine or challenge the main "witness" or evidence against them.

- Commissioners observed that PRB members informed youth of their right to present evidence in only 2 percent of revocation hearings.¹⁴⁵

Commissioners consistently recorded observations such as: "The hearings I observed moved extremely quickly. [The PRB member] rarely looked beyond the two page coversheet on the file," and "The PRB really only reviewed one document."¹⁴⁶

At Preliminary and Revocation Hearings, All Youth Have a Constitutional Right to Appointed Counsel Where Due Process Requires and a Statutory Right to Retain Counsel¹⁴⁷

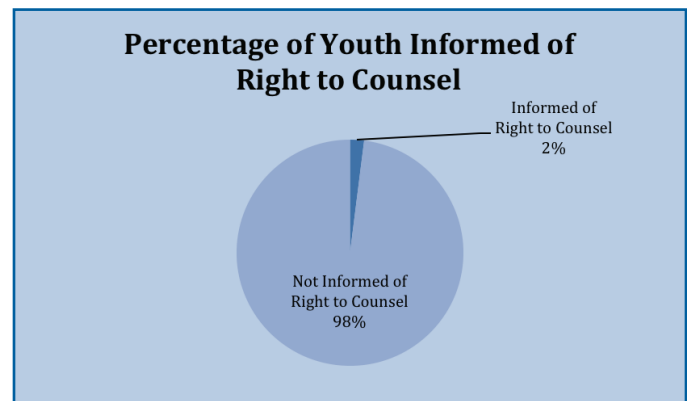
- Of the 101 revocation hearings observed by Commissioners, an attorney was present at only 1 hearing, despite the statutory right to retain counsel at a revocation hearing and the constitutional right to be provided with counsel at a parole revocation hearing when due process requires.



145. The PRB member discussed the presentation of evidence in 1.9 percent of hearings and did not in 83.1 percent of hearings. Data was missing for 15 hearings.

146. Significantly, there was no statistical difference between length of parole release hearings and parole revocation hearings, despite the requisite due process protections at revocation hearings.

147. See Appendix K, discussing the constitutional right to counsel for juveniles in preliminary and parole revocation hearings.



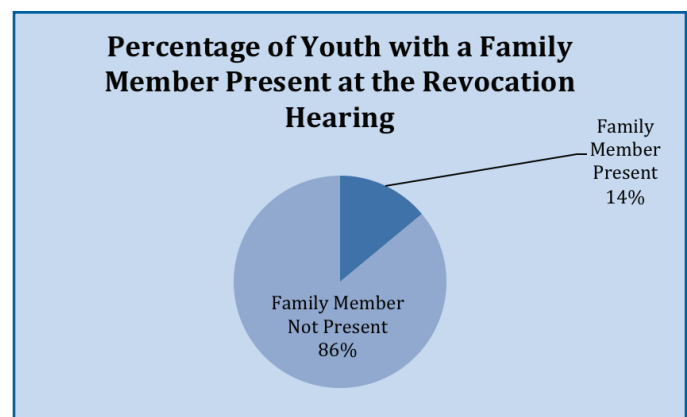
- The PRB explained to youth their right to retain counsel in only 2 percent of revocation hearings observed by Commissioners.¹⁴⁸

The State must either appoint counsel to all youth facing revocation or consider whether due process requires counsel to be appointed on a case-by-case basis. In any case, youth must be informed of their statutory right to retain counsel and their constitutional right to request state-appointed counsel.

Youth Are Entitled to Family Advocacy at Revocation Hearings

Commissioners observed that "when counselor or staff or family [were] present, results were more likely favorable; kids were not good advocates for themselves, unable to really answer questions about facts and details." Commissioners also observed that there was a "huge probability of inaccurate or incomplete information [being presented to the PRB]; kids [have trouble] clarifying. They need counselors, DCFS, 'live bodies'" to advocate on their behalf.

Despite youths' right to and observed need for advocacy, exercise of that right was sometimes met with hostility. For example, Commissioners observed one PRB member ask a youth: "This is a parole revocation hearing. Why is your family here?"



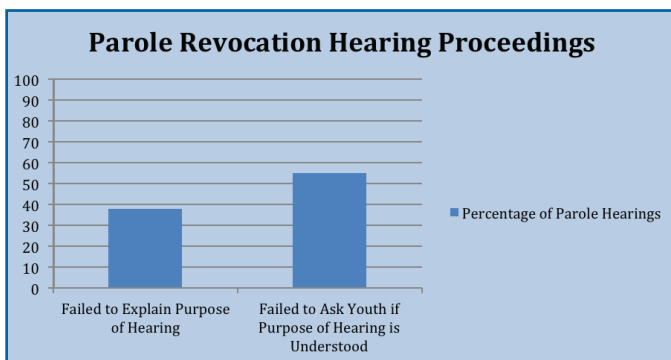
148. The PRB member discussed the right to representation at 1.9 percent of hearings and did not in 83.1 percent of hearings. Data was missing for 15 hearings.

- Commissioners observed family present at only 14 percent of revocation hearings.

Youth Do Not Understand Revocation Hearing Proceedings

Commissioners also tracked when the PRB member explained not only the purpose of the hearing, but also asked the youth if he or she understood the purpose of the hearing.

- In 38 percent of revocation hearings, the PRB member failed to explain the purpose of the hearing to the youth.
- In 55 percent of revocation hearings, the PRB member failed to ask the youth if he or she understood the purpose of the hearing.

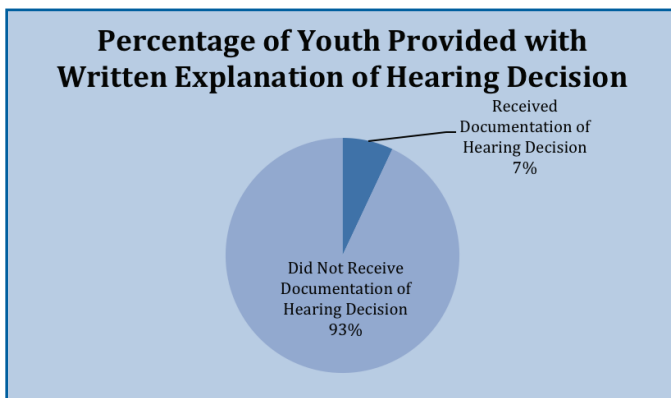


As one Commissioner observed, “these kids do not really know what is happening at hearings.”

Youth Are Entitled to a Written Explanation of the PRB Revocation Decision

Youth almost never receive a meaningful written explanation of the decision at the hearing itself, despite the statutory mandate that “parole . . . shall not be revoked without written notice to the offender setting forth the violation of parole.”¹⁴⁹

- Youth received documentation of the revocation decision in only 7 percent of revocation hearings observed by the Commission.



149. 730 ILCS 5/3-3-9(d).

“Significantly, there is no standard review process for revocations, so youth cannot appeal a PRB decision to revoke parole.”

Youth Have the Right to a Meaningful Hearing with New Charges Pending

When new criminal charges are pending against a youth, PRB members most often “continue” the parole revocation hearing until the resolution of the new criminal case, with little regard for the severity or soundness of the charges.¹⁵⁰ While a new case is pending (and the parole revocation hearing is continued), the juvenile remains incarcerated. Even if a youth is released on bond or given probation on the new charge by the court system—a determination made by a judge regarding the appropriateness of returning a youth to his or her community—the PRB either continues the revocation hearing or revokes and reincarcerates the youth.

For example, one Commissioner observed that a “youth was bonded out at adult court but [his] parole [was] violated due to the arrest and [he was] shipped to [IYC] Joliet in spite of court’s decision to bond him out.” Another Commissioner observed that a revocation hearing was “very brief since [the PRB member was] just continuing the case. The youth barely sat down, then left. The PRB looked at the sheet and said the youth has a court date . . . so [the] hearing will be continued until after the court date.”

Even if the youth is eventually acquitted of the new criminal charges, and subsequently the PRB does not revoke the youth’s parole, the youth will have spent several months incarcerated while the parole revocation hearing was continued.¹⁵¹ In this context, arrest presupposes guilt, depriving juveniles of their liberty without a genuine hearing.

No Review Mechanism Exists for PRB Revocation Determinations

Significantly, there is no standard review process for revocations, so youth cannot appeal a PRB decision to revoke parole. The lack of review is implicit in the current PRB revocation system, since revocation determinations are insufficiently recorded, do not rely upon evidence, and are not guided by a body of jurisprudence.

150. The consequences of this fact-blind policy are particularly harsh for youth who commit very minor offenses (e.g. underage possession of alcohol) and/or live in neighborhoods where youth-police contact occurs regularly, often resulting in minor charges that are later dropped.

151. This is particularly significant in the lives of adolescents, for whom several months of incarceration means several months out of school and away from family.

“Illinois law does not require reincarceration for violation of parole.”

C. RECOMMENDATIONS FOR REFORM

Revocation Decisions Must Be Based on Appropriate Criteria and Made by the Courts

Only after a determination by the Department of Juvenile Justice (i.e. Aftercare Specialist) that graduated sanctions have been ineffective to address youth noncompliance should youth be considered for parole revocation. At that point, youth should be presented to a judge to determine whether youth must be reincarcerated.

- Youth must be represented by an attorney (e.g. public defender) at revocation hearings to ensure a fair and meaningful hearing determining whether the youth is to be deprived of his or her liberty.¹⁵² Revocation proceedings must not be triggered by any alleged parole violation, no matter the severity. Instead, only youth who the Department of Juvenile Justice considers to pose a public safety risk sufficient to justify state incarceration (as opposed to another sanction) will be presented to a court for a parole revocation hearing.
- In the event of a technical violation, the Department of Juvenile Justice must demonstrate that Aftercare Specialists used all reasonable efforts to promote the successful reentry of the youth before reincarceration can be ordered.
- The Department of Juvenile Justice must present evidence of its reasonable efforts, including evidence of linking youth to appropriate community-based services and programs, engaging with the youth’s family and support system, and implementing appropriate graduated sanctions.
 - Youth must not be detained or reincarcerated on a technical violation until a court has determined that reincarceration is necessary.

152. *L.H. v. Schwarzenegger*, 519 F.Supp.2d 1072 (E.D. Cal. 2007), a federal class action lawsuit filed in September 2006 in the Eastern District of California, alleged that the California Division of Juvenile Justice systematically violated juvenile parolees’ constitutional rights during parole revocation proceedings. As part of the settlement in *L.H. v. Schwarzenegger*, attorneys in California are appointed within eight business days of the parole hold for every juvenile parolee charged with a violation in order to uphold youths’ due process protections at revocation.

- Illinois law does not require reincarceration for violation of parole.¹⁵³ The graduated sanction system conforms to the current statutory flexibility for parole compliance, encouraging meaningful determinations of reincarceration. Therefore, a court’s factual finding of a parole violation is a necessary but not sufficient condition for the court to revoke parole.
- Revocation hearings must be recorded and subject to judicial appeal.

An Advisory Committee should be established to develop a statewide implementation plan for transferring the decision-making authority for revocation proceedings to courts.

The Commission completed an initial analysis of the impact of this change on county court caseloads based on data from the PRB, DJJ and the Commission. According to the Commission’s analysis:

- Cook County would have the highest estimated caseload increase of between 29 and 33 additional hearings a month. These hearings would be divided between juvenile and criminal courtrooms. Based on the Commission’s finding that 54% of parole revocations are for technical violations while 46% of parole revocations are for new charges, the Commission estimates that there would be a maximum of 18 new hearings in the Juvenile Division and 15 new hearings in the Criminal Division¹⁵⁴ per month;
- among the remaining top ten counties with the highest numbers of DJJ commitments, the caseload would increase by an average of three additional hearings per month;
- in the next 20–25 counties, courts would have a caseload increase of one or two per month;
- in the overwhelming majority of counties (75–80), courts would have a caseload increase of four or fewer hearings per year;
- for the Commission’s entire analysis, see Appendix L.

153. “If prior to expiration or termination of the term of parole . . . a person violates a condition [of parole] . . . the Board may continue the existing term, with or without modifying or enlarging conditions.” 730 ILCS 5/3-3-9.

154. New charges for youth on parole are most likely to fall under the jurisdiction of the adult criminal court.

VI. JUVENILE JUSTICE CASE MANAGEMENT SYSTEM

The Current Juvenile Justice Case Management System Is Inadequate for Tracking Youth, Case Planning, and Monitoring System Outcomes

A functional case management system is essential to the General Assembly's requirement that it receive quarterly reports on youth released from DJJ and to the actualization of the Commission's recommendations for juvenile reentry reform. A strong case management system is a cornerstone of effective release planning, aftercare, and system transparency and accountability. Such a system would support the activities performed by facility staff as well as aftercare specialists, facilitating information transfer and service provision to reduce recidivism and promote sustained pro-social youth behavior. Currently, the Department of Juvenile Justice has no practicable case management system. The two existing structures consist of the Juvenile Tracking System ("JTS") and the Automated Management System ("AMS"). These two systems have several major flaws:

- JTS uses an antiquated format and neither system is conducive to generating reports and analyses;
- JTS and AMS do not communicate with each other in a way that facilitates continuity of case planning or service provision;
- Neither system captures the type of information needed for case planning and service provision; and
- Neither system adequately differentiates between system users in different "roles" who may use the systems for different functions.

The following sections describe the two primary components of the existing system, as well as the key junctures at which information *should* be shared between users.

Current IT Systems: JTS and AMS

JTS. DJJ relies entirely on JTS for in-facility youth information tracking. JTS is a database developed in the 1980s—written in COBOL and using the antiquated black screen/green type cursor format—that permits only limited data field and input types. JTS does not and cannot facilitate meaningful youth case planning or substantive release decisions. JTS does not centralize any information on youth educational history, assessments, treatment progress, family history, employment history, or release planning. JTS does not differentiate information access based on an employee's responsibility at DJJ (e.g. mental health counselors do not access different JTS information than DJJ line staff). Data extracted from JTS is not easily used for analyses and reporting by researchers or consultants because of its antiquated format.

"A strong case management system is a cornerstone of effective release planning, aftercare, and system transparency and accountability."

DJJ staff and external partners agree that JTS is outdated and difficult to use. JTS cannot easily or cost-effectively be upgraded or modified to permit the kind of functions necessary for individual youth case planning or aggregate level policy and resource decisions.

Consequently, the Commission recommends that the functionality represented by JTS (e.g. tracking of juveniles while they are within the juvenile justice system) be incorporated in the development of a case management system.

AMS. Once a youth is released on parole, individual youth information is tracked by AMS—a system managed by a Department of Corrections Parole Division subcontractor. AMS serves exclusively as a tracking system, developed to track adults on parole. JTS downloads minimal information (e.g. host site and commitment offense information) into AMS. None of the information accumulated by DJJ during a youth's incarceration, including mental health treatment, substance abuse programming, or education, is transmitted to parole agents. As a stopgap measure, DJJ has extended access to AMS capabilities to the new Aftercare Specialists; however, their responsibilities require a continuity of case planning from initial incarceration through discharge from parole which is functionally impossible using AMS.

Opportunities for Information Gathering and Data Transfer

Reception & Classification

When a youth arrives at Reception & Classification ("R&C"), the R&C administrator creates a master file and enters the youth into JTS.¹⁵⁵ The master file is DJJ's only comprehensive record of a youth and is available only in one paper copy.¹⁵⁶ Depending on the volume of information provided by the committing county or amassed by DJJ, as well as the youth's length of stay and history, a master file can be relatively small, or it can be very large, measuring a foot or more thick. These master files are maintained for years in crowded storage areas, as DJJ does not have the resources

155. IYC-St. Charles, IYC-Harrisburg, and IYC-Warrenville serve as the three DJJ Reception & Classification Centers.

156. See Appendix D for the list of documents included in a master file.

“Typically, DJJ does not provide documentation of any work completed or school credits earned when youth leave an IYC facility, thus hampering a youth’s ability to re-enroll in school, enroll in vocational programs, or secure employment.”

to convert them to any other format. If a file is damaged in storage, its information is lost permanently.

Statutorily, the committing county is required to send information on the youth to DJJ through the court clerk, but the quality and quantity of the information provided varies wildly between counties and is often incomplete. Any relevant information provided by the committing county is added to the master file. Typically, DJJ receives four pieces of information from the court clerk: a social history,¹⁵⁷ the commitment order,¹⁵⁸ medication information, and detention reports.¹⁵⁹ Information provided by the court clerk is primarily recorded in the youth’s master file, not JTS.

At Reception & Classification, DJJ enters demographic and basic “census” data into JTS, including: home address, commitment offense, date of birth, gender, race, case history, court orders, parole violations, and arrests.

At R&C, DJJ also develops a summary/workup to assist the transfer Coordinator in making facility placement decisions; it is documented on a paper form and is not entered into JTS.¹⁶⁰ The summary/workup does not include any information on a youth’s educational background, probation history, or DCFS involvement.

Facility Placement

Based on R&C’s summary/workup, the transfer coordinators assign each youth to an IYC facility. Youth are placed in one of DJJ’s eight secure facilities, which are currently the only DJJ placement options available. The transfer coordinator sends the youth’s master file along with the youth as he or she is transported to the placement facility. At this juncture, the master file may include JTS generated documents

(e.g. demographic information, etc.), Social History, intake form, and the court order. Currently, R&C does not generate a substantive case plan for the youth’s incarceration and reentry.

Once a youth has been transferred to a facility, DJJ school staff should determine which schools the youth has attended and contact the schools by phone to request the youth’s educational information. School record collection is onerous and time consuming due to teachers’ limited internet access. Some school districts mail or fax the youth’s transcripts to the facility; school record receipt is slow if conducted via mail and difficult if lengthy records are faxed. Some school districts do not respond to the records request.

IYC counselors at the receiving facility are responsible for updating the master file with information accumulated during the youth’s incarceration. The master file may (but does not always) include: mental health assessments (contained in the supplementary medical file), disciplinary tickets, substance abuse treatment records, school records, and the monthly Integrated Service Plan (“ISP”).

Host Site Approval

After DJJ determines that it will present a youth to the Prisoner Review Board in the near future, cursory “host site” information is entered in JTS and transmitted electronically to the Parole Division for investigation by a parole agent. A parole officer investigates the youth’s potential host site and uses the minimal information available in JTS to assess the appropriateness of a youth’s placement according to adult parole placement standards. The investigating parole agent is not provided a history of the youth’s past successes or challenges at host placements, including family history.

If DJJ identifies a youth as “ready for release” but the youth is deemed “not able to return home,” the youth’s DJJ counselor provides information on the youth’s placement needs to the Placement Resource Unit (“PRU”). While the timing and exact process varies by facility, in general it involves an exchange of telephone calls and paper reports.

Use of Records/Documents by the PRB

The Prisoner Review Board receives a youth’s master file and DJJ summary of the youth’s incarceration on the day of the PRB hearing, frequently as the youth is sitting down for the hearing. The master file may include any previous PRB orders, the parole plan, the youth’s disciplinary card, and any objection letter from the State’s Attorney.

157. 705 ILCS 405/5-701 requires a social investigation prior to sentencing and outlines the information to be included in a social history.

158. 705 ILCS 405/5-750(5)(a-d) requires the court clerk to forward the disposition, all reports, the court’s statement of the basis for ordering the disposition, and all additional matters which the court directs the clerk to transmit.

159. Medication information and detention reports are often sent to DJJ but are not statutorily required.

160. The summary/workup may include some, but rarely all, of the following pieces of information: JTS Youth Face Sheet, JYS Youth Data Summary, Parole Violation Report and Warrant if applicable, Commitment Order, R&C Intake Assessment, Social History, Suicide Probability Scale, Mental Health Intake Screening Form, Psychiatric Evaluation if applicable, V-DISC Clinical Diagnostic Report, JAIS Report, Medical Clearance Form, Bunk Issues Criteria Form, and JTS Initial Classification Report.

Youth Release

When a youth is ordered to be paroled, the DOC Parole Division receives a copy of the standard paper parole order entered by the PRB. The Parole Division also receives access to that youth's JTS entries. The overwhelming majority of information accumulated in a youth's master file is not transferred to the Parole Division, as it exists only on paper and was never entered into the database.

Typically, DJJ does not provide documentation of any work completed or school credits earned when youth leave an IYC facility, thus hampering a youth's ability to re-enroll in school, enroll in vocational programs, or secure employment.

Once a youth is on parole, the Parole Division uses AMS, not JTS, to manage information on youth. In some ways, the AMS system is more sophisticated and user-friendly than JTS; however, AMS is focused on surveillance and tracking functions rather than case planning or service provision. AMS does not feed parole information into JTS, nor does JTS feed information into AMS.¹⁶¹

Parole Revocation Hearing

If a youth is presented to the PRB for an alleged parole violation, the PRB receives the youth's master file and a parole violation form. The parole violation form consists primarily of the parole officer's summary of the alleged violation. The PRB does not receive the AMS parole history, so the PRB has no record of the parole agent's interactions with a youth and cannot determine whether there were efforts to engage that youth or his family, or requests by the youth or family for assistance or support.¹⁶²

If a youth is re-incarcerated, the youth's master file and JTS entry are typically updated to reflect the parole violation and/or new charge.

Commission Findings Regarding the Current Inadequacies of the Juvenile Tracking and Case Management System

Based on the Commission's research on the current DJJ tracking and case management system, the Commission finds:

- DJJ receives inadequate, incomplete, and sometimes outdated or unreliable information on the youth committed to their care;
- DJJ has very limited capacity to seek, acquire, or receive additional information regarding youth needs and strengths, family needs and strengths, etc.;

161. The data systems themselves are capable of linkage. Currently, JTS downloads commitment offense information, some demographic information, and host site information.

162. The PRB has the authority to request AMS parole history. All PRB members have been assigned parole agent numbers and provided a 1-800 number to submit their requests.

- DJJ's IT systems (JTS and paper master file system) undermine staff ability to enter, share, or use critical information about the youth in their care. This limits DJJ's ability to make good decisions regarding immediate (crisis) needs, facility placement, and longer-term case planning with youth;
- DJJ and the Parole Division cannot adequately share and use information to appropriately identify and arrange placement and/or services for youth about to be released;
- The PRB is not making informed, objective decisions regarding a youth's readiness for release, given the limited information currently used at hearings;
- Parole and Aftercare Specialists do not develop, apply, share, or adjust individualized plans to keep youth safely in their communities;
- The PRB is not making informed decisions at revocation hearings—which involve the fundamental decision of whether to reincarcerate a youth or to develop community-based strategies to keep the youth safely in his community; and
- Neither DJJ nor external stakeholders can currently obtain adequate information from DJJ and related data systems—nor link these data systems to other data sources such as public health, education, and law enforcement—to adequately evaluate the short or long-term outcomes DJJ, DOC (Parole), or the PRB achieve with public resources.

Commission Recommendations for Case Management System Goals, Functions, Users, and Outcome Measures

Given the Commission's research and findings on the current failings of the state's data and case tracking systems and the need for a case management data system to ensure a viable rehabilitative juvenile justice system, the Commission recommends the development and implementation of a centralized case management IT system.

Case Management System Goals

- Develop accurate, centralized youth profiles that can be aggregated for system-level planning;
- Plan for and monitor appropriate treatment and services for youth during and after incarceration;
- Follow youth clinical progress as assessed using ongoing assessment tools during incarceration and supervised release;
- Facilitate data-driven release decisions informed by evidence-based assessments;

“The Commission strongly recommends that this data be reported publicly on a semi-annual basis.”

- Monitor educational progress and the appropriateness of education received;
- Promote common language for use by line staff, security staff, counselors, educators, Aftercare Specialists, etc.; and
- Provide quarterly reports on youth housed in and released from DJJ facilities, including:
 - Assessed risks, strengths, and needs of youth in DJJ care, pre-release services recommended, planned for, and received,
 - Crisis care provided (including medical and mental health services),
 - Use of discipline and sanctions in facilities,
 - Length of stay prior to release,
 - Recommended and actual length of monitoring post-release,
 - Violations of release conditions,
 - Length of release prior to violation,
 - Nature of violations,
 - Use of graduated sanctions and incentives, and
 - Outcomes attained by youth in DJJ care or supervision.

Case Management System Functions

An effective case management system must be accessible to system actors in a variety of capacities. At login, the system must present each user with the case information that individual has permission to view and the functions that are specific to the user’s role in the system. These functions will include, but not be limited to, the data entry of assessment tools, the entry and monitoring of educational records and assessments, vocational training and employment history, incident reporting during facility stays, planning for services, and tracking receipt of services.

Administrative staff should be able to access a variety of reports that address monitoring needs by facility, unit, region, and for the system as a whole. These reports will include longitudinal information on individual youth as well as aggregated information reflecting the progress of subgroups within the population of youth. Managers must also have access to both individual and aggregate information

regarding youth comprising caseloads of the individual staff they supervise.

The development of the system should incorporate input from all potential system users within and outside the facilities, as well as from external partners who use data to assess system performance and youth outcomes.

Overall, the case management system described here should facilitate the measurement of youth progress as well as system benchmarks. Benchmarks and outcomes may include youth-specific measures such as educational attainment or clinical improvement, “recidivism-related” outcomes such as new offenses, reincarceration or parole violations, or system performance such as an increase in the provision of services, the delivery of services, or the successful delivery of educational or vocational training. System actors must access and share this information as part of a structured process of data-driving decision-making, system monitoring and performance improvement.

Outcome Measures

The Commission has devoted considerable time and thought to the most appropriate and illuminative measures of the success of individual youth released from DJJ custody and the performance of the system as a whole. There are a number of detailed and exhaustive measures which DJJ and its partners should employ to gauge the needs and progress of individual youth, the performance of individual staff, and the efficacy of the Department and its aftercare partners and providers. However, for purposes of this study and the overall improvement of the state’s aftercare system, the Commission recommends a series of “headline measures” that focus on fundamental youth, community, and fiscal outcomes, including:

- Reincarceration rates (including parole violations, new offenses and/or technical violations);
- Community safety (including rates and reasons for new arrests of youth on parole);
- Youth opportunities (including educational, vocational and employment progress and outcomes);
- Youth functioning (including stable housing, behavioral health status, and community connection and supports); and
- Fiscal implications (including the costs of and investment in key policies, practices, programs, and services).

The Commission further recommends that this data be disaggregated by race, ethnicity, gender, geographic origin of the youth, offense types and histories, and by geographic occurrence of committing offenses. The Commission strongly recommends that this data be reported publicly on a semi-annual basis.

VII. CONCLUSION

We, the members of the Illinois Juvenile Justice Commission, respectfully request that the Illinois General Assembly and the Governor of the State of Illinois give due consideration to the findings and recommendations set forth in this report, and take all action necessary to promote public safety, equip Illinois youth for successful, sustainable life in the community, and ensure a fiscally efficient and effective Illinois juvenile justice system.

Respectfully submitted,

Juvenile Justice Commission
State of Illinois

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APPENDIX A

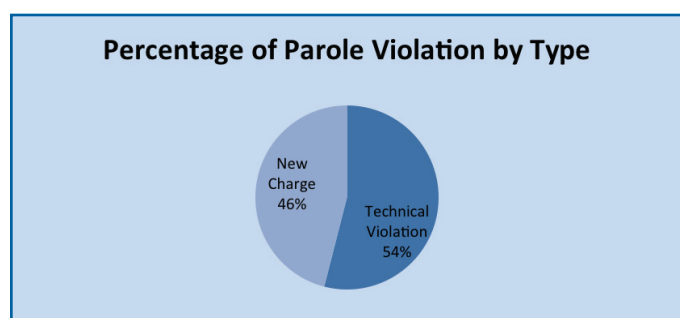
Statutorily Mandated Data Regarding Revoked Youth

Study Sample

The Commission reviewed the 386 files of youth whose parole was revoked between December 1, 2009 and May 31, 2010.

Number of Youth Confined on a Technical Parole Violation

Of the 386 youth whose parole was revoked between December 2009 and May 2010, 54 percent of youth were revoked on a technical violation and 46 percent were revoked on a new arrest/charge.

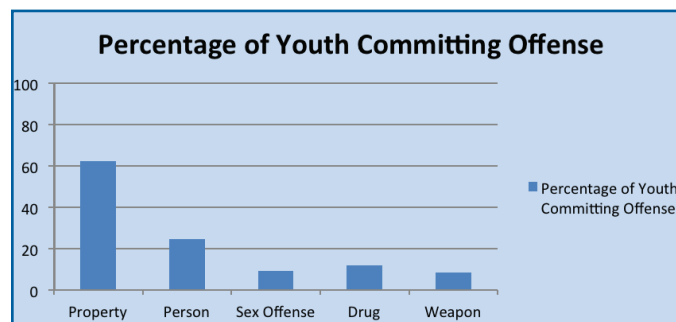


Length of Time on Parole Prior to Revocation

- The average length of time a youth spent on parole was 8 months.
- The average length for 15 and 16 year olds was 3 months.
- The average length for 17 and 18 year olds was 7 months.
- The average length of parole for youth 19 and over was 10 months.¹

Original Commitment Offense

- Property: 62.4 percent
- Person: 24.4 percent
- Drug: 11.9 percent
- Sex offense: 9.3 percent
- Weapon: 8.5 percent



Youth Age, Race² and Gender

- The average age of youth at original admission was 16.
- The average age at revocation was 18.
- 58.9 percent of the youth were Black or African American.
- 30.9 percent of the youth were White (Caucasian).
- 9.9 percent of the youth were Latino.
- 89.6 percent of the youth were male.
- 10.4 percent of the youth were female.

County in which Committing Offense Occurred

Illinois Courts and the Department of Juvenile Justice track offenses by county rather than zip code. Of Illinois's 102 counties, 56 had at least one revocation during the study period.

Cook	116	(30.1%)
Winnebago	21	(5.4%)
Peoria	18	(4.7%)
Vermilion	18	(4.7%)
Rock Island	17	(4.4%)
Kankakee	15	(3.9%)
Macon	15	(3.9%)
Madison	15	(3.9%)
Kane	13	(3.4%)
Sangamon	10	(2.6%)

2. See "Models For Change, Guidelines For Collecting And Recording The Race And Ethnicity Of Youth In Illinois' Juvenile Justice System" 7-14 (2008) (recommending a data collection system based on best practices to ensure accurate coding of the race and ethnicity of youths in the Illinois juvenile justice system). The Department of Juvenile Justice combines race and ethnicity into one singular designation, with only four identifying categories. Biracial and Hispanic youth may be undercounted or miscategorized. One youth did identify as Black Pakistani, representing .003 percent of the youth studied during the reporting period.

1. There were no statistically significant differences in average length of parole prior to revocation for gender or race.

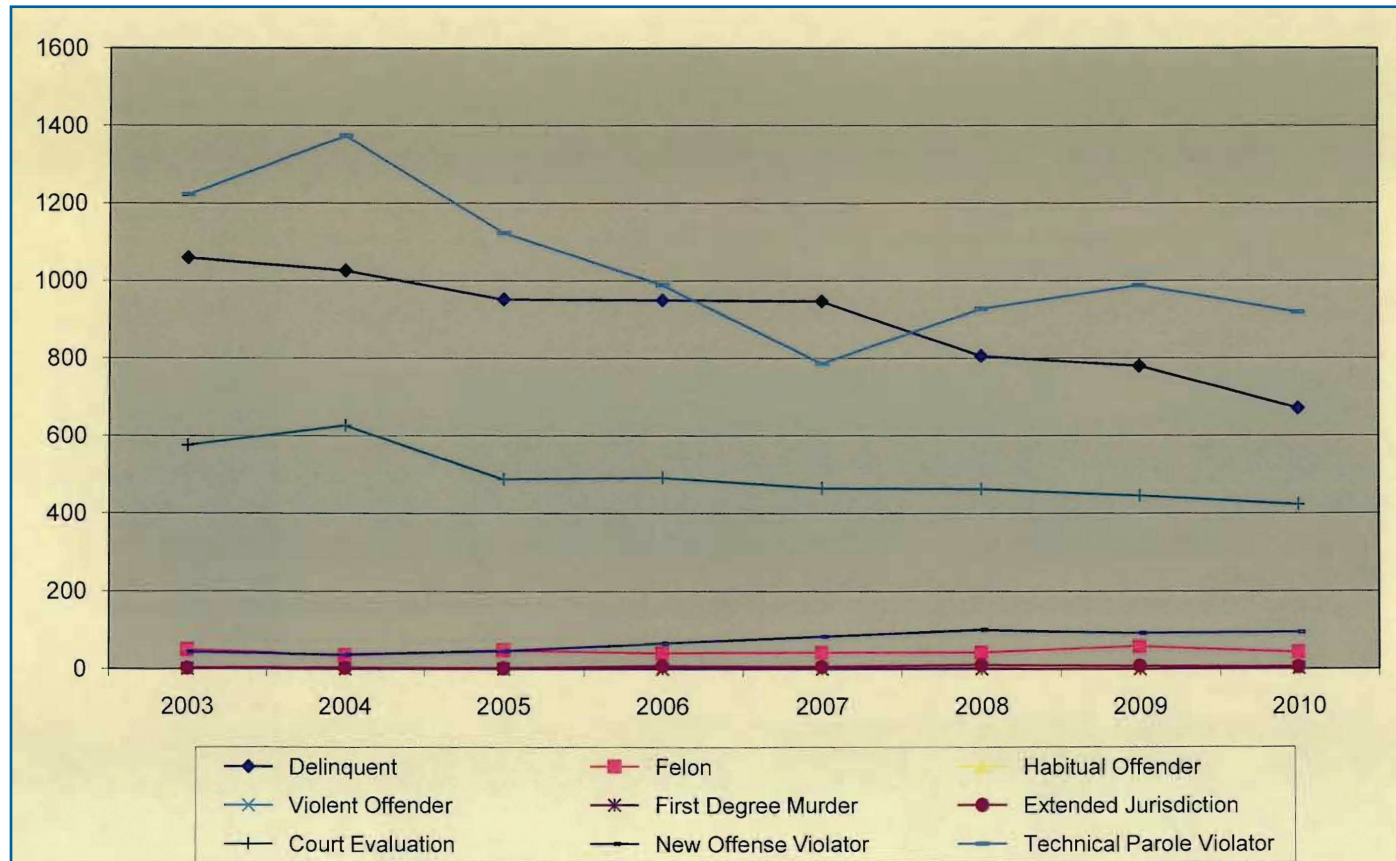
McLean	8	(2.1%)	Lake	2	(.5%)
Stephenson	6	(1.6%)	LaSalle	2	(.5%)
Tazewell	6	(1.6%)	Logan	2	(.5%)
Will	6	(1.6%)	Randolph	2	(.5%)
Champaign	5	(1.3%)	Richland	2	(.5%)
St. Clair	5	(1.3%)	Effingham	1	(.3%)
Livingston	5	(1.3%)	Bureau	1	(.3%)
Christian	4	(1.0%)	Cass	1	(.3%)
Marion	4	(1.0%)	Clark	1	(.3%)
Adams	3	(.8%)	Clinton	1	(.3%)
Alexander	3	(.8%)	Crawford	1	(.3%)
DuPage	3	(.8%)	Douglas	1	(.3%)
Edgar	3	(.8%)	Fulton	1	(.3%)
Macoupin	3	(.8%)	Gallatin	1	(.3%)
Montgomery	3	(.8%)	Hamilton	1	(.3%)
Saline	3	(.8%)	Jefferson	1	(.3%)
Williamson	3	(.8%)	Lawrence	1	(.3%)
Boone	2	(.5%)	Lee	1	(.3%)
Fayette	2	(.5%)	Ogle	1	(.3%)
Franklin	2	(.5%)	Perry	1	(.3%)
Iroquois	2	(.5%)	Washington	1	(.3%)
Jackson	2	(.5%)	White	1	(.3%)
Johnson	2	(.5%)	Woodford	1	(.3%)

APPENDIX B

Department of Juvenile Justice Juvenile Institutions Monthly Population Summary

Fiscal Years 2003–2010

ADDITIONS	2003	2004	2005	2006	2007	2008	2009	2010	TOTAL
Delinquent	1060	1026	952	950	947	806	780	671	7192
Felon	49	35	48	41	42	42	58	43	358
Habitual Offender	0	1	1	2	1	1	1	3	10
Violent Offender	0	0	0	0	0	0	0	1	1
First Degree Murder	1	1	1	1	1	1	0	2	8
Extended Jurisdiction	2	3	2	8	6	10	8	5	44
Court Evaluation	576	627	488	492	465	463	446	423	3980
New Offense Violator	44	38	47	66	84	101	93	95	568
Technical Parole Violator	1223	1375	1123	989	787	927	988	919	8331
TOTAL	2955	3106	2662	2549	2333	2351	2374	2162	20492



APPENDIX C

Hearing Observation Forms Developed by Commission

**PAROLE HEARING OBSERVATION
PAROLE HEARING FORM**

ID # _____

OBSERVER INTRODUCTION

Hello, my name is _____ and I am a member of the Illinois Juvenile Justice Commission. The Illinois Legislature has asked me to observe juvenile parole hearings conducted by the Prisoner Review Board. I will keep all information about you and your case confidential.

Are you willing to have me observe your hearing? Yes No Q. not asked by Commissioner

Are you Hispanic or Latino/a? Yes No Unknown Q. not asked by Commissioner

What is your race? (mark any that apply) Q. not asked by Commissioner

- American Indian or Alaska Native
 Asian
 Black or African American
 Native Hawaiian or Other Pacific Islander
 White
 Unknown

Because many youth are multiracial, youth may identify with more than one race. The Commissioner should follow the "mark any that apply" rule based upon the youth's self-identification of multiple races. The use of "Unknown" should be limited to situations in which a youth specifically requests that "unknown" be checked in addition to another race.

PRB Member: _____

Hearing Start Time: _____ End Time: _____

BACKGROUND INFORMATION

Identification Number (YIN): _____ Name: _____

Gender: _____

Age: _____

Original Commitment Offense: _____

Original Admission Date: _____ Unknown

Does the youth or family member(s) have special needs that would compromise his/her ability to understand the hearing? (e.g. Language, Developmental Delay) Yes No Unknown

If yes, explain: _____

If yes, what accommodation was made to assist the youth or family member(s)? None

**PAROLE HEARING OBSERVATION
PAROLE HEARING FORM**

ID # _____

PAROLE BOARD HEARING

Individuals in Attendance:

- Youth
 Parole Agent
 Attorney
 Guardian/Family Member Specify: _____
 Counselor
 Teacher
 DJJ Program Provider(s) Specify: _____
 Unknown Person(s)
 Other Specify: _____

Number of PRB Members at Hearing: _____

Did the PRB member explain the purpose of the parole hearing to the youth? Yes NoIf YES, write the PRB member's explanation verbatim: _____

 _____Did the PRB member ask the youth if s/he understands the purpose of the hearing? Yes No

Which of the following documents were reviewed by or referred to by the PRB member?

- Institutional Progress Reports in Support of Parole Consideration
 Probation Social History
 Clinical Services Information
 Classification Information
 Substance Abuse Information
 Integrated Service Plans
 Monthly Staffing Reports
 Disciplinary Reports
 Education Information
 Last Parole Board Orders
 Letters of Objection or Support
 Committing Court Documents
 Victim Notification Requests
 Placement Investigation
 Release Plan

Was the youth given the opportunity to review any documents? Yes NoDid the youth review the documents? Yes No

2

**PAROLE HEARING OBSERVATION
PAROLE HEARING FORM**

ID # _____

If yes, which documents did the youth review?

Was other documentary evidence presented? Yes No

Who provided additional document(s)?

- Not Applicable
- Youth
- Parole Agent
- Attorney
- Guardian/Family Member
- Counselor
- Teacher
- DJJ Program Provider(s)
- Other Specify: _____

List Documents:

What were the areas of inquiry?

- Youth's Record
- Committing Offense
- Institutional Behavior/Accomplishments
- Aftercare Plan
- Family Support
- Drug Use
- Education/School
- Gang Involvement
- Other Specify: _____

Who testified within each area of inquiry? NA

Did the PRB make a decision? Yes No

Parole Board Hearing Results:

- Denied
- Released
- Released-Held Specify reason: _____
- Continued (youth held) Length of Continuance: _____

Did the PRB member explain the decision to the youth? Yes No

If YES, how? Written Statement Oral Statement

If an oral statement, please write that statement verbatim (include any and all reasons cited by the PRB member as the basis for decision):

**PAROLE HEARING OBSERVATION
PAROLE HEARING FORM**

ID # _____

Did the PRB member ask the youth if s/he understands the decision? Yes No

What documentation of the decision given to the youth? Yes No Unknown

If YES, specify documentation: _____

IF RELEASED, what are the conditions of parole? Not Applicable

Parolee must:

- Observe and obey all municipal, county, state and federal laws, ordinances, and regulations, including curfew
- Not use, carry, or possess any weapons of any kind
- Not use any intoxicating beverages if he/she is under the legal age, or use narcotic drugs, controlled substances, and marijuana prohibited by law
- Attend school regularly or get GED
- Seek employment
- Report to and cooperate with Parole agent
- Allow the agent to visit him/her at home, work, or elsewhere as necessary
- Report all arrests to Parole agent as soon as permitted by arresting authority
- Provide accurate information about his/her conduct while on parole or while incarcerated
- Be placed under electronic monitoring Length of time: _____
- Prohibited from violating any criminal statute during his/her parole
- Prohibited from associating with people who are members of an organized gang
- Prohibited from possessing narcotics or other controlled substances, including any paraphernalia related to the use of those narcotics
- Submit to drug treatment evaluation and comply with recommendations
- Submit to mental health assessment and comply with recommendations
- Attend or reside in a facility established for the instruction or residence of people on parole or probation and cooperate with rules
- Reside with his parents or in a foster home and follow house rules
- Comply with any other special conditions of parole

List other parole conditions: _____

Is the youth a sex offender ? Yes No

If yes, list other specific conditions:

Did the PRB member ask the youth if s/he understands the parole conditions? Yes No

**PAROLE HEARING OBSERVATION
PAROLE HEARING FORM**

ID # _____

If parole is denied or continued, what reasons are cited by the PRB member?

Did the PRB member confer with any other members prior to issuing a decision? Yes No

If YES, how long was the conference? _____
how many PRB members were involved in the conference? _____

Was the hearing recorded? Yes No

Other Observations about this hearing (including environment, location of hearing within the facility, treatment of family member(s), treatment of youth, etc.)

Observer: _____ IYC Facility: _____ Date: _____

Data Entry Date: _____

APPENDIX D

Master File Documents and Organization

Illinois Department of Corrections Administrative Directive

December 2004

Illinois Department of Corrections

ADMINISTRATIVE DIRECTIVE	Effective 12/1/2004	Page 3 of 4	Number 01.07.110
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Attachment A

Master File Organization for Adult Offenders and Juvenile Felons

- | Section 1 | Section 2 | Section 3 |
|---|---|---|
| <ul style="list-style-type: none"> • Face Sheet (always on top) • Option Form • Grade Status Card • Good Time Revocation/Restoration Card • All Sentence Calculation Sheets • Director's Approvals for:
Revocation/Restoration of Good Time/Meritorious Good Time/Earned Good Conduct Credit • Sentencing material such as Statement of Facts, indictment, mittimus, petition, disposition order, sentence orders, mandates, (reverse chronological order grouped by court case number) • DNA Information • Pre-Sentence Report • Probation Report • Prisoner Review Board Orders • Court Orders & Mandates (only if it changes the sentencing structure) • All Other Sentence Structure Material • Master File Folder Organization Chart | <ul style="list-style-type: none"> • Parole Agreements - Other Parole Information • Parole Violation Reports • Admission Data Forms • FBI & IBI Sheets • Police Reports • Letters Concerning Transfer • Writ Papers • Warrants • Institutional Credits • Executive Clemency • Status Change Form • Face Sheet Leaflet • Access & Review Forms • Detainers • Certification of Records • Extradition Papers • Civil Action Suits & Summons • Affidavits • All Drop Slips • Notification to Register for Selective Service • Release Checklist Forms • Notification of Release Date Forms • Notification of 17th Birthday for Juvenile Felons • All Other Identification Related Material • Correspondence Pertaining to Sections 1 & 2 • Transfer Checklist | <ul style="list-style-type: none"> • Transfer Orders/Reports • Clemency - WR • Classification Reports - Computer Printout • Reclassification Reports - Computer Printout • Program Considerations Reports • Parole Reports or Executive Clemency Report • Supplemental Program Considerations Reports • Special Progress Reports • Food Handler's Questionnaires • Military Data • Correspondence Pertaining to Above Areas • Security Threat Group (STG) Information |
| <p style="text-align: center;">Section 4</p> <ul style="list-style-type: none"> • Institutional Assignment Reports • Disciplinary Reports • Adjustment Committee/Program Summaries • Day Release Papers • All Furlough Papers • All Work Release Papers • Grievance Materials <ul style="list-style-type: none"> • Original Grievances From Inmate • Institutional Inquiry Board Decisions • CAD's Recommendations • ARB's Decisions • Compensatory Good Time/Good Conduct Credit Denials • Screening Form • Program Agreements • Educational Material • Certificates • Protective Custody Material • Career Achievement Report • Counselor's Referrals • Cumulative Counseling Summaries • Program Planning Summaries • Good Time Recommendations - MGT/Revocation/Restoration • Correspondence Pertaining to Above Areas | <p style="text-align: center;">Section 5</p> <ul style="list-style-type: none"> • Requests & Receipts for Legal Papers • Inmate Guidebook Receipts • Power of Attorney Forms • Certificate of Authority • Cash or Personal Property Receipts • Visiting Questionnaires • Releases • Miscellaneous Correspondence • Inmate Visiting Forms • Orientation Material • Request for Temporary Identification Card | <p style="text-align: center;">Pocket</p> <ul style="list-style-type: none"> • Photos • Shakedown Reports • Visit & Mail Packages • Release Packets • I.C. Testing - Booklets • Miscellaneous • Material Supporting Identity such as social security card, birth certificate, marriage license filed in a confidential envelope labeled with the offender's name, number, and an inventory of the contents |

Illinois Department of Corrections

ADMINISTRATIVE DIRECTIVE	Effective 12/1/2004	Page 4 of 4	Number 01.07.110
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**Attachment B
Master File Organization for Juvenile Delinquents**

Section 1

- Face Sheet (*always on top*)
- Discharge or Vacating Orders/Statutory Discharges
- Chronological Movement History
- Mittimi or Petitions and Dispositional Orders
- DNA Information
- Court Writs (*only one copy*)
- Prisoner Review Board Orders
- For Parole Violators:
 - Preliminary Hearing of Parole Violations (Morrissey)
 - Notices of Charges
 - Notifications of Alleged Parole Violation (*only letter approving and calculation sheet*)
- Verification of Birth Data
- Guardianship Information
- Calculation Sheets
- Good Time Awarded, Restored, and Revoked
- Notices of Right to Appeal Commitment
- Docketing Forms I and II
- Requests for Custody Verification
- Verifications of Custody
- Statements of Facts
- Death Certificate

Section 4

- Program Assignment Committee Forms
- Integrated Service Plan: Initial Form and Monthly Progress Reports
- Disciplinary Reports, Adjustment Committee Summaries, and Related Documents
- Contraband Reports
- Unusual Incident Reports (CRITICAL)
- Court Correspondence Regarding Youth's Status and Detainers
- Court Ordered Adjustment and Progress Reports
- Department of Children and Family Services Monthly Reports
- Certificates of Achievement

Section 2

- Bunk Issues Form (*always on top*)
- State's Attorney's Objections or Supports in Response to the Notice of Eligibility for Parole
- Warrants for Apprehension, Cancellations of Warrants, Letters to Parent or Guardian of AWOL Youth
- Extradition Packet Material
- Transfer Orders
- Orders of Temporary Transfer to Department of Human Services
- Voluntary Consents for Transfer to Department of Human Services
- Discharge Reports from Department of Human Services
- Notices of Eligibility for Parole Consideration and Institution Progress Reports
- Police Reports and FBI and IBI Rap Sheets
- Active Hold Orders
- Interstate Compact Material
- Rules of Conduct Governing Juvenile Parole and Mandatory Supervised Release Agreements
- Juvenile Release Checklists
- Sex Offender Registration Notification
- Photos
- Fingerprint Cards
- Notification of Statutory Release/ Discharge
- Notification to Register for Selective Service
- All Furlough and Authorized Release Material
- Correspondence Pertaining to Sections 1 & 2
- Security Escort Summaries

Section 5

- Facility Orientation Checklist
- Personal Property Lists
- Visiting Information and Letters
- Trust Fund Card
- Emergency Information
- Grievance Information
- Releases of Information
- Notifications to Parents and Receipt for Certified Mail
- Social Security Documents
- Miscellaneous Correspondence and Youth Request Slips
- Alternate Placement Referrals
- Telephone List
- Attorney of Record Letter/Documentation

Section 3

- Initial Classification Instrument
- Cover Sheets of Crisis Status Log
- Reports and Correspondence from Other Agencies
- Special Case Reviews
- Security Threat Group (STG) Affiliation Interview
- Reception Orientation Checklist
- Strategies for Juvenile Supervision
- Social History Information
- Correspondence Pertaining to the Above Areas
- Reclassifications & Reclassifications/Transfer Packets

Pocket

- Miscellaneous

APPENDIX E

Automated Parole File Record (redacted excerpt)
Illinois Department of Corrections Parole Division

April-May 2009

HISTORY REPORT FOR: [REDACTED]	
Rows Retrieved: 236	
DATE/TIME	DETAILS
04/10/2009 16:18:17	<p>Offender Check-In Call</p> <p>Notes: OFFENDER RELEASED IYC HARRISBURG, [REDACTED] HOUSE LIVING WITH [REDACTED] MALE COUSIN, ADVISE OFFENDER THAT HE/SHE IS ON LCKDWN UNTIL SEEN BY THEIR AGT AND CHECKIN ONCE WEEKLY UNTIL THEN.</p>
04/11/2009 13:32:35	<p>Phone Number: WEB</p> <p>Agent Contact</p> <p>Agent: [REDACTED]</p> <p>From: A - HOST SITE</p> <p>Code 1: 001-INITIAL OFFENDER FTF</p> <p>Code 2: 202-IDENTIFICATION REFERRALS</p> <p>Birth Certificate : 04/11/2009</p> <p>Social Security Card: 04/11/2009</p> <p>State II (not DI) :</p> <p>Drivers License :</p> <p>High School Diploma :</p> <p>College Diploma :</p> <p>Other - Description :</p> <p>Other - Referr Date :</p> <p>Code 3: 203-MANDATORY CASE ITEMS</p> <p>Initial Orientation : 04/11/2009</p> <p>Review Phone Checkin: 04/11/2009</p> <p>Msr Reviewed : 04/11/2009</p> <p>Host Site Agreement :</p> <p>Pin Number Issued :</p> <p>Notes: DISCUSSED WITH OFFENDER HIS CONDITION OF PAROLE. ADVISED HIM HE WAS ON LOCKDOWN UNTIL HOOKED UP. AMS CAN VERIFY AND GRANT MEDICAL, DENTAL AND EYE APPTS. ALSO AMS CAN V/G COUNSELING AND COURT APPTS.</p>
04/11/2009 13:34:55	<p>Agent Call</p> <p>Notes: AGENT [REDACTED] ASKED AMS TO ADD OFFENDER TO HOOK UP LIST FOR CELL UNIT. AMS UPDATED AMS. AGENT GRANTED 5 HOURS IRT A WEEK STARTING 4/12. PER AGENT AMS CAN V/G MOVEMENT FOR MED EYE AND DENTAL APPOINTMENTS COUNSELING SESSIONS AND COURT HEARINGS AS LONG AS INFORMATION IS PROVIDED IN A TIMELY MANNER.</p>
04/11/2009 20:15:03	<p>Phone: [REDACTED]</p> <p>Offender Call</p> <p>Notes: OFFENDER STATED HE THINKS AMS TRIED TO CALL BUT HE COULDN'T HEAR BECAUSE OF STATIC, SO HE RETURNED CALL.</p>
04/12/2009 11:28:58	<p>From: [REDACTED]</p> <p>Technician Visit</p> <p>Technician: [REDACTED]</p> <p>Location: A - HOST SITE</p> <p>Code 1: 2 - HOOK UP</p>
04/12/2009 12:21:09	<p>From: [REDACTED]</p> <p>Technician Visit</p> <p>Technician: [REDACTED]</p> <p>Location: A - HOST SITE</p> <p>Code 1: 6 - OTHER</p> <p>Notes: CLOSED STRAP AT 1139</p>
04/12/2009 23:50:26	<p>From: (000) -</p> <p>Technician Visit</p> <p>Technician: [REDACTED] DISPATCH</p> <p>Location: F - OTHER</p> <p>Code 1: 8 - HOOK UP REMOVED</p>

Notes: PER [REDACTED] TCS 1:57 4/12:	
04/13/2009 23:26:44 Offender Call	Phone: [REDACTED] Notes: OFFENDER STATES AMS CALLED. AMS CHECKED AND PER BI SYSTEM, VIOLATION/TRANSMITTER OUT OF RANGE CLEARED. AMS ADVISED OFFENDER TO REMAIN IN RANGE.
04/14/2009 12:33:16 Offender Call	Phone: [REDACTED] Notes: OFFENDER CALLED TO REQUEST MOVEMENT FOR 1600-1830 TO GET HAIR CUT AND GO TO COUSINS HOUSE ON [REDACTED]
04/14/2009 13:30:15 Offender Call	Phone: [REDACTED] Notes: OFFENDER CALLING TO CHECK ON MOVEMENT FOR 4/14. AMS ADVISED NO MOVEMENT.
04/14/2009 14:33:22 Agent Call	Notes: [REDACTED] GRANTING MOVEMENT 4/14 1600-1830 IRT WITH TRAVEL TIME INCLUDED AMS UPDATED
04/14/2009 14:45:04 Offender Call	Phone: [REDACTED] Notes: OFFENDER CHECKING MOVEMENT FOR 4/14. AMS ADVISED MOVEMENT FROM 1600-1830.
04/15/2009 11:35:44 Offender Call	Phone: [REDACTED] Notes: OFFENDER WOULD LIKE AGT TO CONTACT HIM AT [REDACTED]
04/15/2009 16:36:55 Agent Contact	Phone Number: WEB Agent: [REDACTED] From: B - OFFICE Code 1: 005-COLLATERAL PHONE CONTACT Notes: RETURNED OFFENDERS CALL - NO ANSWER LEFT MESSAGE FOR OFFENDER TO CONTACT AMS IF HE STILL NEEDS TO SPEAK WITH ME.
04/17/2009 13:55:12 Offender Check-In Call	Actual Phone: [REDACTED] Verbal Phone: Arrested since last chk: N Employed: N Address Change: N State Calling from: IL Order of Protection: N Notes:
04/17/2009 14:17:37 Offender Call	Phone: [REDACTED] Notes: OFFENDER REQUESTING MOVEMENT FOR 4/17 FROM 1700-1930 GOING TO GET SOMETHING TO EAT AND GO TO GIRLFRIENDS HOUSE AT [REDACTED]
04/17/2009 15:31:09 Offender Call	Phone: [REDACTED] Notes: OFFENDER CALLED TO VERIFY MOVEMENT FOR 4/17. AMS ADVISED OFFENDER THAT HE DOES NOT HAVE ANY MOVEMENT FOR 4/17.
04/17/2009 16:22:01 Offender Call	Phone: [REDACTED] Notes: CHECKING 4/17. AMS ADVISED NO MOVEMENT.
04/17/2009 16:47:33 Offender Call	Phone: [REDACTED] Notes: OFFENDER IS CHECKING ON MOVEMENT FOR 4/17, NOTHING THERE. OFFENDER IS REQUESTING MOVEMENT FOR 4/17 1730-2000 FOR GO EAT AND GO TO GIRLFRIENDS, [REDACTED]

04/17/2009 17:08:57 Agent Call	Notes: ██████████ GRANTED MOVEMENT 4/17 1730-2000 IRT.
04/17/2009 17:24:19 Offender Call	Phone: ██████████ Notes: OFFENDER CALLED TO CHECK ON MOVEMENT FOR 04/17/09. AMS INFORMED OFFENDER FOR 04/17-17:30 - 20:00.
04/21/2009 14:19:26 Offender Call	Phone: ██████████ Notes: OFFENDER REQUESTING TO SPEAK TO AGENT. AMS ADVISED OFFENDER THAT MESSAGE WILL BE LEFT. OFFENDER STATES HE CAN BE REACHED AT 618-309-2298. OFFENDER REQUESTING MOVEMENT 4/21 FROM 1600 TO 1830 TO PLAY BASKETBALL AT AN ELEMENTRY SCHOOL.
04/21/2009 15:29:11 Offender Call	Phone: ██████████ Notes: OFFENDER CHECKING MOVEMENT 4/21. AMS ADVISED NO MOVEMENT.
04/21/2009 15:46:36 Agent Contact	Phone Number: WEB Agent: ██████████ From: M - FIELD CONTACT Code 1: 004-OFFENDER PHONE CONTACT Notes: RETURNED OFFENDERS CALL - REMINDED HIM THAT IT IS HIS RESPONSIBILITY TO PROVIDE CONTACT INFORMATION AND ADDRESS WHEN REQUESTING IRT. ALSO DISCUSSED OFFENDERS COUNSELING APPT - HE STATED HE DOES NOT HAVE THE MONEY RIGHT NOW FOR COUNSELING; REFERRED HIM TO UCAN.
04/21/2009 16:12:10 Offender Call	Phone: ██████████ Notes: OFFENDER REQUESTS MOVEMENT 4/21 1630-1900 PLAY BASKETBALL AT ██████████
04/21/2009 16:28:35 Offender Call	Phone: ██████████ Notes: OFFENDER CALLED TO CHECK MOVEMENT FOR 04/21. AMS ADVISED NO MOVEMENT.
04/21/2009 16:35:46 Agent Call	Notes: AGT IS GRANTING OFFENDER MOVEMENT FROM 1630-1900.
04/21/2009 16:39:42 Offender Call	Phone: ██████████ Notes: OFFENDER CALLED TO VERIFY MOVEMENT FOR 4/21. AMS ADVISED OFFENDER THAT HIS MOVEMENT ENDED AT 1900.
04/22/2009 15:39:11 Offender Call	Phone: ██████████ Notes: OFFENDER REQUESTING MOVEMENT 4/22 1730-2000 INCLUDING TRAVEL TIME TO PLAY BASKETBALL AT ██████████ ██████████ AMS ADVISED MESSAGE FOR AGT.
04/22/2009 16:28:50 Offender Call	Phone: ██████████ Notes: OFFENDER CHECKING MVT 4/22 AMS ADVISED NO MVT.
04/22/2009 16:48:08 Offender Call	Phone: ██████████ Notes: OFFENDER CHECKING MOVEMENT FOR TODAY. AMS ADVISED NONE. OFFENDER WILL CALL BACK.
04/22/2009 17:07:10 Offender Call	Phone: ██████████ Notes: CHECKING 4/22. AMS ADVISED NO MOVEMENT.
04/22/2009 17:09:48 Agent Contact	Phone Number: WEB Agent: ██████████ From: M - FIELD CONTACT

	<p>Code 1: 004-OFFENDER PHONE CONTACT Notes: RETURNED OFFENDERS CALL - REMINDED HIM HE ONLY GETS 5 HRS PER WEEK IRT AND HE HAS ALREADY USED 2 1/2 HRS; MOVEMENT APPROVED.</p>
04/22/2009 17:10:38 Agent Call	<p>Notes: [REDACTED] GRANTING MOVEMENT 4/22 1730-1900.</p>
04/23/2009 14:08:52 Offender Call	<p>Notes: OFFENDER WOULD LIKE AGT O GET IN TOUCH WITH HIM. HE CAN BE REACHED AT [REDACTED].</p>
04/28/2009 08:28:11 Offender Call	<p>Notes: OFFENDER CALLED TO CHECK MOVEMENT FOR 04/28.AMS ADVISED NO MOVEMENT.</p>
04/29/2009 13:39:40 Offender Call	<p>Notes: OFFENDER WOULD LIKE TO SPEAK WITH AGENT, 618-524-5391.</p>
04/30/2009 08:17:50 Offender Call	<p>Notes: OFFENDER WAS CHECKING ON MOVEMENT FOR 4-30. AMS ADVISED NO MOVEMENT.</p>
04/30/2009 12:24:14 Offender Call	<p>Notes: OFFENDER WOULD LIKE AGT TO CALL HIM BACK AT 618-524-5391.</p>
04/30/2009 16:58:47 Offender Call	<p>Notes: OFFENDER ASKED TO SPEAK WITH AGENT AT 618-524-5391.</p>
05/01/2009 11:09:27 Agent Contact	<p>Phone Number: WEB Agent: [REDACTED] From: M - FIELD CONTACT Code 1: 006-ATTEMPT/NO CONTACT. Notes: RETURNED OFFENDERS CALL - NO ANSWER.</p>
05/01/2009 13:17:38 Offender Call	<p>Notes: OFFENDER REQUESTING MOVEMENT 5/1 1700-2200 INCLUDES TRAVEL TIME TO VISIT FAMILY. [REDACTED]</p>
05/01/2009 15:02:47 Offender Call	<p>Notes: OFFENDER IS REQUESTING MOVEMENT 05/01/09-1700-2200,INCLUDES TRAVEL TO GO [REDACTED] TO VISIT FAMILY.</p>
05/01/2009 16:03:41 Offender Call	<p>Notes: OFFENDER CHECKING 5/1. AMS ADVISED NO MOVEMENT.</p>
05/01/2009 16:42:25 Offender Call	<p>Notes: OFFENDER WAS CHECKING HIS MOVEMENT FOR 05/01 AMS ADVISED OFFENDER THAT HE HAS NO MOVEMENT.</p>
05/01/2009 16:51:42 Offender Call	<p>Notes: OFFENDER CHECKING MOVEMENT 5/1 AMS ADVISED NO MOVEMENT. PLEASE CONTACT OFFENDER AT [REDACTED] IN REGARDS TO MOVEMENT.</p>
05/01/2009 16:52:16 Agent Call	<p>Notes: AGT [REDACTED] GRANTING IRT MOVEMENT FOR 05/01 FROM 1700-1930 INCLUDING TRAVEL TIME. AMS GRANTED MOVEMENT PERA. AGT ASKED AMS TO CALL OFFENDER TO ADVISE HIM THAT HIS IRT MOVMENT WAS GRANTED. AMS CALLED OFFENDER TO ADVISE.</p>

APPENDIX F

Master File and Parole File Review Form Developed by Commission

PAROLE FILE REVIEW FORM

IDENTIFYING INFORMATION

Identification Number (YIN): _____		Name: _____		PROJECT ID#:
Gender: _____		DOB: _____		
What is the youth's race/ethnicity?		Offense County: _____		
<input type="checkbox"/> White		Commitment Offense: _____		
<input type="checkbox"/> Black				
<input type="checkbox"/> Latino/a				
<input type="checkbox"/> Other: _____				

INITIAL INCARCERATION (*information obtained from master file*)

Admission Date: _____

Which standardized measures were used during initial incarceration intake (and screening date)?

- | | |
|--|-------------|
| <input type="checkbox"/> TCU II | Date: _____ |
| <input type="checkbox"/> Clinical Needs Assessment | Date: _____ |
| <input type="checkbox"/> Psychological Evaluation | Date: _____ |
| <input type="checkbox"/> JAIS | Date: _____ |
| <input type="checkbox"/> Other: _____ | Date: _____ |

Pre-incarceration assessments by provider:

- | | |
|---|-------------|
| <input type="checkbox"/> Community Mental Health Agency | Date: _____ |
| <input type="checkbox"/> Hospital | Date: _____ |
| <input type="checkbox"/> Probation | Date: _____ |
| <input type="checkbox"/> School | Date: _____ |
| <input type="checkbox"/> Court Clinic | Date: _____ |
| <input type="checkbox"/> Other: _____ | Date: _____ |

What screening recommendations were made?

- Special Education Services
- Mental Health Services
 - Individual Therapy
 - Group Therapy
 - Medication
 - Family Therapy
 - Trauma Treatment
- Substance Abuse Treatment
- Recreational Activities

Was there documentation of service provision?

- Special Education Services
- Mental Health Services
 - Individual Therapy
 - Group Therapy
 - Medication
 - Family Therapy
 - Trauma Treatment
- Substance Abuse Treatment
- Recreational Activities

PAROLE FILE REVIEW FORM

- | | |
|---|---|
| <input type="checkbox"/> Anger Management | <input type="checkbox"/> Anger Management |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Missing | <input type="checkbox"/> Missing |

PAROLE INFORMATION (*information obtained from master file*)

Parole Date: _____ Release Zip Code: _____

Parole Conditions:

- Close supervision
 - Participate in substance abuse program/evaluation
 - Participate in sex offender counseling health clinic
 - Electronic monitoring
 - No negative peer affiliations
 - Submit yourself to outpatient care as prescribed by mental health clinic
 - Comply with curfew as specified: _____
 - Seek employment
 - Attend parenting classes
 - Submit to random urinalysis
 - Obtain GED/high school diploma
 - Participate in day reporting center
 - No internet access
 - Comply with any other special conditions of parole: _____
- _____
- _____
- _____

PAROLE FILE REVIEW FORM

PAROLE INFORMATION *(information obtained from parole form)*

Did the parole agent refer the youth to any of the following services?	Date(s) of Referral
<input type="checkbox"/> Special Education Services	_____
<input type="checkbox"/> Mental Health Services	_____
<input type="checkbox"/> Substance Abuse Treatment	_____
<input type="checkbox"/> Identification	_____
<input type="checkbox"/> Other: _____	_____
<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Missing	

Did the parole agent link the youth to any of the following services?	Date(s) of Linkage
<input type="checkbox"/> Special Education Services	_____
<input type="checkbox"/> Mental Health Services	_____
<input type="checkbox"/> Substance Abuse Treatment	_____
<input type="checkbox"/> Identification	_____
<input type="checkbox"/> Other: _____	_____
<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Missing	

Please indicate the frequency of each of the following parole contacts prior to warrant issuance.

ED/EM _____	Agent Phone Contact with Youth _____
Movement _____	Agent FTF Contact with Youth _____
Technician Visit _____	Attempted Phone Contact with Youth _____
Agent Contact with Treatment Provider _____	Attempted FTF Contact with Youth _____
Agent Contact with Host _____	
Agent Contact with Other (Please describe and indicate frequency): _____	

Please describe any problems associated with the host site as well as the agent's efforts to rectify these problems.

Not Applicable

Please describe any concerns that the youth identifies as well as the agent's efforts to address these concerns.

Not Applicable

PAROLE FILE REVIEW FORM

Was the youth non-compliant with any of the parole conditions prior to revocation? Yes No Missing

How many instances of non-compliance occurred? _____ Not applicable

Please list each instance of non-compliance.
 Not applicable

What was the agent's response to each instance of non-compliance?
 None

Did any instances of non-compliance lead to a revision of parole conditions? Yes No

If yes, what were the new parole conditions?

- Not applicable
- EM/ED
- Other Please describe: _____

PAROLE REVOCATION (*information obtained from parole form*)

Date Warrant Issued: _____

Description of Violation/Criminal Charge Leading to Warrant: _____

Date Notified of Right to Preliminary Hearing (NOC/VR): _____ Waived: Yes No

Did the NOC/VR occur within 72 hours of arrest? Yes No If no, please explain: _____

Preliminary Hearing Date: _____ Not Applicable Missing

Parole Board Hearing Date: _____ Missing

Was the youth in detention/jail prior to commitment to facility? Yes No Dates: _____

Date Returned to Facility: _____

APPENDIX G

Department of Juvenile Justice and Prisoner Review Board Responses to Questionnaires Submitted by the DCFS-DJJ Aftercare Merger Workgroup

June 14, 2010

SHORT TERM:

Programming

- *What factors contribute to the PRB's decision to mandate "programming" as part of a youth's conditions of parole?*

1. Youth may have an extensive Run History. May mandate electronic detention or GPS and establish a curfew.
2. Youth is 16 years old or younger. May mandate school attendance.
3. Youth is over 16 years of age. May mandate school attendance as well.
4. Youth has earned high school diploma or GED. May mandate higher education or vocation/trades programming.
5. Youth has history of substance abuse and unsuccessful inpatient treatment. May mandate out patient substance abuse treatment.
6. Youth has DSMIV diagnosis and facility clinician recommends out patient therapy. May mandate out patient therapy.
7. Youth on psychotropic medication. May mandate psychiatric follow up for medication monitoring and compliance and blood levels be drawn.
8. History of strained family relationships. May mandate family therapy.
9. Youth is a Juvenile Sex Offender. May mandate out patient juvenile sex offender therapy.

- *If "programming" is mandated, how does a youth receive the mandated services?*

The facility Youth and Family Specialist submits a Support Services Request to Deputy Director of Programs for review that is submitted to the Placement Resource Unit (DOC) who secures the service and sends information to the Parole Agent Supervisor (DOC) for implementation. If funding is needed Deputy Director of Programs approves payment.

- *If not mandated, is "aftercare programming" recommended?*

The facility Youth and Family Specialist completes the Institutional Progress Report in Sup-

port of Parole Consideration. This report contains recommended services the youth should receive when he/she is paroled. The PRB uses these recommendations in addition to their own recommendations to establish conditions of parole that may include involvement in structured leisure time activities, involvement in a mentoring programs, faith based attendance, community service, attend a parenting program if appropriate, no contact with the victim may be required, participation in a career training program, etc...

- *If so, from where does the PRB receive its information about programming in the community and does it participate in any linkage or referral to community programming?*

The PRB may receive it's information from Parole Services. The PRB usually does participate in linking youth to services. The facility Youth and Family Specialist completes and submits the Support Services Request as described above. The PRB will often question the suitability of programming or suggest alternatives.

- *What programming, if any, is present within DJJ to prepare youth and their family members for presentation to the PRB, release, and reentry?*

Each facility has a Pre Parole Program that all youth presented for parole consideration must attend. In some instances a Parole Agent is available during this program. Parole Rules are reviewed, Prisoner Review Board Orders are reviewed, youth receive a list of community services available in their area, Registration for Selective Services are reviewed, obtainment of identification is reviewed.

Youth and Family Specialist telephones family to inform them of the youth's scheduled appearance before the Prisoner Review Board and reviews recommended services for the community. Reviews parole rules with family. After a PRB hearing, if youth is granted parole, Youth and a Family Specialist reviews the outcome of the Parole Board orders and makes transportation arrangements with the family. If youth is going to placement the placement is contacted and transportation arrangements are finalized for the youth's intake.

- *What are the counselor's role and responsibilities regarding a youth's release and re-entry?*

Youth and the Family Specialist are responsible for monitoring the youth's program participation in the facility in accordance with their Projected Administrative Review Date and completes the youth's Notice of Eligibility for Parole Consideration giving the Committing Court 30 days to object to the youth's parole which is then presented to the Prisoner Review Board, or Youth may be withdrawn from parole presentation based on the seriousness of the objection if one is received. The Institutional Progress Report for Parole Consideration is completed and reviewed with the youth which contains recommendations for community programming. Contact with family or alternate placement is made to schedule parole presentation before the Prisoner Review Board. The recommended host site is entered into the Juvenile Tracking System to electronically notify parole that a host site investigation is needed, and within 2 weeks the host site is approved or denied. Youth is then put on the PRB docket for parole consideration.

- *What are the counselor's qualifications?*

The Youth and Family Specialist position is an "Upward Mobility" position, so we have Youth and Family specialists that are working toward receiving their Bachelor Degrees. The majority of Youth and Family Specialists do possess a Bachelor's Degree in a Social Services related field or Criminal Justice. Numerous Youth and Family Specialists have Masters Degrees. Our office has a listing of all Youth and Family Specialists and their credentials/degrees, and if needed this can be provided.

- *What in-facility programming, specifically, encourages parole board members to extend a youth's commitment until completion of said programming? (often after revocation)*

Youth who start GED programs or sex offender programs are prime candidates for extended commitments. Board members generally feel that participation and completion of these programs is necessary to assist the youth in their rehabilitation.

Eligibility for hearings

- *During the last _____, how many youth did DJJ recommend for parole at their parole hearing?*

See Admissions/Departure Report for Calendar Year 2009 (attached)

- *During the last _____, how many youth did DJJ recommend for parole at their "annual review"?*

The Department of Juvenile Justice does not recommend release at an Annual Review Hearing. If the youth was recommended for release he/she would be recommended for a Parole Hearing instead.

- *During the last _____, how many youth requested a PRB hearing?*

One youth requested a PRB hearing via their attorney.

- *How are youth informed of their right to request a PRB hearing?*

Each school contains a law library and state statutes.

- *During the last _____, how many juveniles were presented to the PRB on a technical violation or new charge?*

This information will be gathered from the facilities next week and provided to you.

Hearings

- *How does the PRB promulgate its guidelines for consideration of youths?*

The PRB does not promulgate any written or unwritten guidelines for parole consideration. The PRB historically conveyed to counselors what their expectations are for youth to receive serious consideration for parole. Such expectations include: the Youth's rehabilitation as reflected in the number, nature and dates of the disciplinary tickets. Also, the board looks at family support, aftercare, programming, the youth's demeanor, institutional accomplishments, their length of stay, and criminal record, among other factors.

- *What standards / guidelines are used by the PRB in making its decision?*

(See above). The PRB looks at Chapter 20 Section 1610.35 of the Administrative Code sets out the criteria used to parole juveniles.

- *Are the guidelines used by the PRB in making its decision written?*

Other than the above referenced statute, the PRB does not use guidelines to make its decision.

- *From where does the PRB get the information considered during a PRB hearing (written and in-person)?*

The youth's Master Record File contains all information that the PRB reviews in consideration of their PRB hearing: Committing Court Documents, Probation Social History, Clinical Services Information, Classification Information, Substance Abuse Information, Integrated Service Plans, Monthly Staffing Reports, Disciplinary Reports, Education Information, last Parole Board Orders if any, Letters of Objection or Support, Institutional Progress Reports in Support of Annual Review Hearing or Parole Consideration, Victim Notification Requests and Placement Investigation, etc... DJJ counselors and other professionals stay often to attend the hearing, as do DCFS caseworkers and other providers as appropriate.

- *How often does a family member write something, if unable to attend?*

Infrequently

- *How often does an attorney write something, if unable to attend?*

When youth are committed to the Department of Juvenile Justice their attorney representation is normally completed. The exception being representation provided by Bloom Legal Clinic at Northwestern University School of Law. There have been approximately 5 youth with this representation in the past year.

- *How often are counselors present at PRB hearings?*

IYC-Chicago-counselors are present

IYC-Harrisburg-Counselors are rarely if ever present.

IYC-Joliet-Youth and Family Specialist, Supervisor, and Clinical Services Supervisor are present.

IYC-Kewanee-Youth and Family Specialist Supervisor is present along with a some Youth and Family Specialists. The PRB has changed the hearing schedule to afford greater staff participation.

IYC-Murphysboro-Youth and Family Specialist and Clinical Services Supervisor are present.

IYC-Pere Marquette-Youth and Family Specialists are present.

IYC-St. Charles-Youth and Family Specialists and Youth and Family Supervisor are always present.

IYC-Warrenville-Youth and Family Specialists and Clinical Services Supervisor are always present.

Please note that Assistant Superintendents and Superintendents, and in some instances the Deputy Director may be present.

- *How are juveniles able to access public defenders prior to a parole hearing?*

Public Defenders are no longer involved in youth cases following their commitment to the Department of Juvenile Justice.

- *How often are lawyers or other advocates present at PRB hearings?*

Infrequently.

- *How often are lawyers or other advocates present at revocation hearings?*

Infrequently.

- *How often are family members present at PRB hearings?*

This varies by facility. Northern facilities are much more successful in having families attend parole hearings-70% of time, compared to 50% at Southern facilities. This is due mostly to the geographical challenges presented to families who often cannot travel to Southern Illinois.

- *How often are family members present at revocation hearings?*

It varies, depending on the proximity of the family.

- *How often is no one present at a PRB hearing?*

Facility staff are always available to the PRB members, however, there are hearings where there are no family or staff members.

- *At those hearings, what is the evidence that the PRB member considers in his/her decision making?*

The youth testimony, Youth and Family Specialist testimony, Master Record File information including last PRB Board Orders, and in parole revocation hearings the Returned Parole Violation Report, available arrest reports, and Morrissey Brewer Hearing and Notice of Charges Reports. There is a misconception that the Board does not parole youths who do not have a family member present. The rate of release is probably the same as those who have parents/loved ones present

- *What are due process concerns as it relates to current parole board hearings?*

The Board can value the participation of attorneys in the parole process. There is no question that attorneys would provide additional due process protection. Having said that, the Board is very sensitive to those issues.

- *How many juveniles waive their right to a preliminary hearing (revocation)?*

75%

- *For what reasons, if any, are juveniles removed from PRB hearings?*

Placement at the recommended host site is denied by Parole Services.

Recommended Alternate Placement in community has not been secured by the Placement Resource Unit or there is no bed available at the recommended Alternate Placement.

Youth's behavior deteriorates prior to scheduled parole hearing.

Serious Letter of Objection to the youth's parole is received from the Committing Court.

- *How often are juveniles removed from parole board hearings?*

10%

- *If a juvenile is removed from a parole board hearing, does the hearing continue?*

No, because the youth was not presented.

- *If so, how often is the youth released?*
- *If so, how often is the youth denied parole?*
- *If not, what happens? (IE does it get postponed to the next month?)*

The Program Assignment Committee recommends to the Superintendent the extension of the youth's Projected Administrative Review Date, the youth's is placed on the next PRB Docket if placement is secured, if removed for Disciplinary reasons and "delay to the Prisoner Review Board" or "revocation of Good Conducts" is recommended the Superintendent can approve, reduce, or deny the extension in accordance with Disciplinary Rule 504.

PRB

- *What are each current PRB member's expertise and training as it relates to youth?*

Most current Board members have been on the Board for an average of 6 years which allowed them to acquire additional expertise in juvenile

matters. Board members receive in service training throughout the year.

Jorge Montes is a lawyer since 1988. He worked at the State's Attorney Office.

Ed Bowers is a former police officer.

Sal Diaz is a former Cook County Sheriff as a Child Abuse Investigator.

Craig Findley is a current member of Lincoln Land Trustees.

Tom Johnson is a lawyer who was the chairman of the House Judiciary Committee.

Jessie Madison was General Superintendent of Chicago Park District.

Milton Maxwell is a former probation officer.

Geraldine Tyler has a Master's Degree in Corrections and a former probation officer.

- *What other release decision making processes and systems are used in other states?*

In some states the Committing Court retains jurisdiction in releasing youth. Others, Administrative Offices are the releasing authority

Release

- *How often are juveniles released at their "annual" hearing?*

Infrequently-5 to 10%

- *How often are juveniles released at their ARD hearing?*

Releases vary from facility to facility. The PRB does an Annual Report and percentages for each facility are provided. Facility ranges are between 99% to 85% of youth released at their Parole Hearing.

- *How often are juveniles released at a revocation hearing for a technical violation?*

This will be provided from DJJ next week.

- *How often are juveniles released at a revocation hearing with a new criminal charge?*

1 to 5%

- *How often are juveniles released at a revocation hearing with a new juvenile charge?*

1 to 5%

- *How often are juveniles released at a preliminary hearing?*

1 to 5%

- *How often does the PRB release a youth, when DJJ has not recommended release?*

Youth are not presented to the PRB for parole consideration when the Department does not recommend release.

- *How often does the PRB not release a youth, when DJJ has recommended release?*

20% of the time. Normally, the PRB will continue the Parole Hearing for 30 to 60 days to determine if the youth can abide by the facility rules. An update of the youth's programmatic adjustment is then provided to the PRB at the next continued PRB Hearing.

- *Identify concerns with regard to the PRB detaining a juvenile in a facility pending a court decision on the charge for which that juvenile was brought back in front of the PRB after release?*

This can create undo anxiety in youth due to not knowing what is going to happen.

Youth may not believe their program participation matters as they have not been revoked and do not know what their status will become.

- *How often does the PRB provide a juvenile with a written copy of his/her parole orders?*

The Youth and Family Specialist has each youth sign their Original PRB Board Order and provides each youth a copy of the PRB Board Order.

- *How does the PRB determine conditions of release?*

Services are recommended in the youth's Institutional Progress Report for Parole Consideration, a review of Master Record File information including the Probation Social History, programming provided in the facility, family considerations, youth's prior adjustment on parole, Clinical Services information, etc...

- *How often do PRB members deny parole and/or continue the commitment in order for a youth to complete programming?*

The PRB has no authority to continue the commitment of a youth. This is statutorily driven based on the Class of Offense or youth's 21st Birth date, or their felony sentence.

Denials vary by facility, but on average denials are 1 to 10% of the time for youth recommended for Parole Consideration.

Continuances are 15% of the time normally for disciplinary infractions contained within the youth's Master Record File.

Keep in mind that the Parole Consideration Hearing is scheduled for youth based on their successful completion of recommended program services.

LONG TERM:

Institutional Changes

- **Discipline:** *What would comprise a "middle-ground" discipline within the institutions?*

All facilities have a Behavioral Motivation Program which determines the level of each youth with correlating privileges associated with their level.

Level 1 being the highest receives additional telephone calls, Canteen/Movie privileges, commissary purchases are increased, off grounds activity eligibility, use of electronic equipment in their rooms, off grounds food purchasing, extended family visitation, reduction of projected Administrative Review Date, on grounds job assignments, etc...

Positive Behavior Incentive System (PBIS) is implemented in DJJ's School District #428 allowing for purchases in the School Store. Provides positive incentives within the School District.

- **Programming:** *Create process/system/programming which begins on day one of commitment which prepares youth and family for release, presentation to the PRB and re-entry?*

The Program and Case Management Administrative Directive may assist you with this question.

- **Continuity of services**

- *What are the best practices or models which provide support to youth prior to release and throughout parole?*

Current best practices within DJJ are the Visa and VOICE Disk mental health screening instruments, Suicide Probability Scale, a host of psychological assessments that I will provide in a separate email, Seeking Safety Curriculum, VOICES Curriculum, Juvenile Assessment and Intervention Strategies, Performance based Standards implemented statewide at all

facilities, Girl Matters Curriculum implemented at both female facilities at Warrenville and Pere Marquette, PBIS within School District #428. Currently implementing Aggression Replacement Training statewide, and dependent upon Grant Awards may be implementing Family Intervention Training at IYC-Chicago and then rolling this out to other facilities. In addition to Second Chance Act Grants-Mentoring and Reentry, CSAT grant for CBT5, and DMH Grant for female reentry for youth with co-occurring disorders. Also, will receive recommendations from MacArthur Foundation Mental Health Technical Assistance Team for program implementation.

PRB

- *What training and expertise should be required for PRB members or other release-decision makers?*

PRB has received initial Juvenile Assessment and Intervention Strategies training from DJJ. It would be useful for members to attend mandated workshops on juvenile criminal justice issues. Future members must all have some experience in juvenile issues.

- *Are there written guidelines which can be promulgated to provide a jurisprudence or basis for decision making?*

The board must commission an expert to design a risk assessment tool to assist in parole and revocation hearings.

- *What are the other mechanisms by which release decisions are made?*

Some cases call for a larger panel to decide a particularly difficult or sensitive case.

- *What are the advantages and disadvantages of the other mechanisms?*

Larger panels are not always possible to assemble.

- *What does a third party add to the release decision making process?*

Depending on who the third party is, their participation can be invaluable. Parole officers should participate in revocation hearings.

Parole officers

- Revocation (problem: adult parole agents are violating youth more because they hold them to the same standard as adults)
 - How to train parole agents in juvenile issues and needs?
 - How to ensure that PRB members receive information from the Juvenile or Criminal Court regarding detention or bond rulings?

Notification and presence at hearings

- *How to improve the notification of a PRB hearing to family members?*
Possibly phone calls to family members.
- *How to reduce the barriers to family attendance at hearings?*
Telecommunication system.
- *How to increase the availability of advocate or lawyer to youth at PRB hearings?*
Allow the State to contact a list of witnesses.

Due process concerns

- *After identifying due process concerns as it relates to current parole board hearings, how to fix or ameliorate said concerns?*

APPENDIX H

Projecting an Administrative Review Date (ARD) Illinois Department of Juvenile Justice Policy Bulletin

May 1, 2011

ILLINOIS DEPARTMENT OF JUVENILE JUSTICE Springfield, Illinois	Number	24
	Page	Page 1 of 3
	Effective Revised	February 1, 2008 May 1, 2011
POLICY/PROCEDURAL BULLETIN		
Subject	Compiled Projected Administrative Review Date Guidelines	

I. POLICYA. Authority

Administrative Directive 01.07.255J

B. Policy Statement

Youth committed as delinquents to the Illinois Department of Juvenile Justice shall receive a projected Administrative Review Date (ARD). The ARD is the projected date by which the Notice of Eligibility for Parole consideration form (DOC 0155) shall be mailed by the institution to the States Attorney of the committing county and the Department of Children and Family Services (DCFS), if applicable. The Notification of Eligibility for Parole Consideration forms are to be mailed 30 days in advance of the youth's anticipated parole docket date for youth with a designated placement, and 60 days in advance for youth without a designated placement.

C. Procedure

Upon a delinquent youth's admission to the Reception and Classification Unit the assigned intake Youth and Family Specialist will set the projected Administrative Review Date (ARD) by the guidelines in this procedure. The projected ARD shall be input into JTS at this time. Within 30 days of the youth being transferred to their assigned facility, the assigned Youth and Family Specialist will recommend to the Program Assignment committee (PAC) a review of the ARD and recommend that the ARD be approved or amended to reflect the individual program needs of the youth. In establishing the youth's projected ARD, the following criteria shall be considered:

1. Committing Offense(s)
2. Nature of delinquency/criminal history
3. Youth's demonstrated programming needs
4. Social history information as prepared by the court
5. Transition and aftercare goals

Pre-commitment custody credit shall be awarded against the youth's custody date. The youth's projected ARD shall be set from the adjusted custody date.

The following guidelines are established for Misdemeanor Commitment Offenses:

1. Class C 30 days fixed term
2. Class B 3 months (MDD = 6 months)
3. Class A 3 months (MDD = 364 days)

Exceptions:

Criminal Sexual Abuse 11 months

Unlawful Possession of a Weapon (UW – handgun) – an 8 month projected ARD will be established when the offense was committed on school grounds, or when a prior weapon petition has been filed or when there are serious prior commitments involving weapons.

Illinois Department of Juvenile Justice

Policy/Procedural Bulletin	Effective Revised	2/1/08 5/1/11	Page	2 of 3	Number	24
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The following guidelines are established for Felony Commitment Offenses:

1. Class 4 4-6 months (MDD = 3 years + 1 year parole)

Exceptions:

Attempted Theft	3 months
Disorderly Conduct	3 months
Possession of Cannabis	3 months
Obstructing Justice	3 months
Aggravated Unlawful Use of a Weapon (UUV-handgun)	8 months

When offense was committed on school grounds, or when prior weapons petitions have been filed or when there are serious prior commitments involving weapons.

2. Class 3 6-11 months (MDD = 5 years + 1 year parole)

Exceptions:

Aggravated Battery	8-11 months
Aggravated Battery with a Weapon	17 months
Aggravated Battery with Great Bodily Harm	17 months
Attempted Robbery	5 months
Retail Theft > \$150	3 months
Theft \$300-\$10K	4-5 months

3. Class 2 8 months (MDD = 19th/ 21st birthday)

Exceptions:

Aggravated Criminal Sexual Abuse	17 months
Kidnapping	11 months
Burglary/Robbery	6 months

4. Class 1 9-12 months (MDD = 19th/ 21st birthday)

Exceptions:

Aggravated kidnapping	17 months
Criminal Sexual Assault	18 months
2 nd Degree Murder	11-20 months

5. Class X 18-20 months (MDD = 19th/21st birthday)

Exceptions:

Aggravated Criminal Sexual Assault	24 months
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Murder (M) Pursuant to 705 ILCS 406/5-745, youth adjudicated delinquent for the offense of first degree murder are committed to the Illinois Department of Juvenile Justice until their 21st birthday, without the possibility of parole, furlough or non-emergency authorized absence for a period of 5 years from the date of continuous custody. These youth are labeled with a "G" prefix.

Illinois Department of Juvenile Justice

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6. Technical Parole Violators

For youth returned as a Technical Parole Violator (TPV) where no criminal charges are Pending, a projected ARD will be established for a period of 1-3 months from the date the youth is returned to the Illinois Department of Juvenile Justice and after the Prisoner Review Board has revoked the youth's parole. For youth assigned to the Parole Readjustment Program at IYC-Joliet a projected ARD will be established for a period of 4 months. Youth with pending charges will have a projected ARD established 60 days after the scheduled court date. Upon attaining this projected ARD if prosecution is still pending the projected ARD shall be extended 60 days beyond the next scheduled court appearance. Within 30 days of the disposition of the pending charges, the youth's case shall be reviewed for an extension or reduction to the projected ARD by the Program Assignment Committee. Based on treatment needs, projected ARD's for parole violators may be set up to 6 months without the Director's approval.

Parole Violator's projected ARD's shall be established from the date the youth is returned to the Illinois Department of Juvenile Justice custody.

7. Reductions/ Extensions

When the circumstances surrounding the committing offense involved extreme violence, serious injuries or when weapons have been used, the projected ARD should be set at the highest level in the range and may be extended up to three additional months without the Director's approval

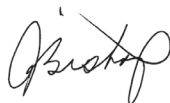
8. Parole Board Denials Projected ARD Guidelines

When youth are presented to the Illinois Prisoner Review Board and denied parole, the projected ARD shall be established 90 days from the hearing date.

9. Court Evaluation Projected ARD Guidelines

Youth committed with a return court date for purposes of a court evaluation shall have their projected ARD set in accordance with the above guidelines. When the projected ARD is prior to the scheduled return court date, prior to parole presentation to the Prisoner Review Board, the Youth and Family Specialist shall notify the youth, the assigned parole agent, and the host site of the return court date indicating the youth is to appear in court on parole status. This information shall be documented in the Cumulative Counseling Summary.

The assigned Youth and Family specialist shall explain the criteria used in the establishment of the projected ARD to the youth during the face to face review of the Integrated Service Plan, documenting same in the Cumulative Counseling Summary. Changes to the projected ARD shall be reflected on the youth's Monthly Staffing Report and shall be discussed during the staffing with the youth. The youth shall sign his/her monthly Staffing Report.



Arthur Bishop
DIRECTOR

APPENDIX I

Department of Corrections Parole Division Sanction Matrix

Severe	SEVERITY OF PAROLE VIOLATION	Sanction Matrix	* ^ **SANCTION LEVEL	Severe
	Rule 1 - Imminent and Direct Threat to Public Safety, w/ or w/o being in custody		Warrant (190)	
	Rule 1 - Statutory and Policy Driven Warrantable Offenses			
	Rule 1 - Escapes from a Parole Agent or another Peace Officer			
	Rule 1 - Battery or Assault to a Parole Agent or another Peace Officer			
	Rule 1 - Domestic Violence Arrests, OOP Violations, Stalking, Human Trafficking			
	Rule 2 - Supervisor's discretion on "other dangerous weapon" provision			
	Rules 3, 4 & 9 - (All in combination) - absconder including instant absconder			
	Rule 4 - Parolee has not absconded but refuses to allow supervision by parole agent			
	Rule 5 - If not an absconder, then refusal to remain at the location			
	Rule 8 - In custody with new criminal charges (as approved by Extrajudicial)			
	Rule 8 - Verified out of State, no new charges but does not return to IL as instructed			
	Rule 10			
	Rule 13 - For knowingly associating with STG members without prior permission			
	Rule 14			
	Rule 15/16 (including EM) - Non-compliant, demonstrated refusal to comply, previous sanctions applied, multiple attempts to gain compliance			
	Rule 16 (EM/GPS) - Absconder			
	Rule 16 (EM/GPS) - tampering or removal without authorization			
	Rule 16 (EM/GPS) - No suitable or approved host site			
High	Rule 1 - Felony arrest (except statutory and policy driven warrantable offenses)		Warrant (190)***	High
	Rule 4 - Multiple attempts prior to being able to be contacted, on a re-occurring basis		Halfway Back Program (180)	
	Rule 7 - Felony		Re-entry Center referral (170)	
	Rule 8 - Verified out of State >7 days and returns to IL as instructed within 24 hours		PRB Add Request- Electronic Monitoring/Detention (160)	
	Rule 9 - For EM/GPS parolees only		Re-entry Center referral (170)	
	Rule 11 - 5 or more offenses, any type of tampering to defeat or deceive the sample, or any number of offenses co-occurring with a new drug related arrest		EM/ED Movement Restrictions - 60 days and 2nd extension (140)	
	Rule 15/16 - Compliant only after multiple attempts, previous sanctions, "start and stop" pattern			
	Rule 16 (EM) - multiple violations not of a minor nature			
Medium	Rule 1 - Misdemeanor, except traffic		Re-entry Center referral (170)	Medium
	Rule 16 (EM) - minor violations, including unplugged box		PRB Add Request - Electronic Monitoring/Detention(160)	
	Rule 3 - Instructions to report in-person to meet with parole agent		MSR Rule 15 change (Treatment, Curfew, etc) (150)	
	Rule 7 - Misdemeanor, except traffic		EM/ED Movement Restrictions - 30-60 days (140)	
	Rule 8 - Verified out of State < 7 days and returns to IL as instructed within 24 hours		Community Service (130)	
	Rule 11 - Up to 4 offenses, no pending/new drug related arrests, active in treatment		Supervisor's Conference(120)	
	Rule 12 - With no positive drug tests and no pending/new drug related arrests		Written reprimand (110)	
	Rule 13 - For knowingly associating with others on parole without prior permission			
	Rule 15/16 (except EM) - Sporadic compliance at a level to achieve compliance			
Low	Rule 1 - Traffic offenses only		MSR Rule 15 change (Treatment, Curfew, etc) (150)	Low
	Rule 3 - Required check-in calls		EM/ED Movement restrictions - 30 days or less (140)	
	Rule 6		Community Service (130)	
	Rule 7 - Traffic offenses only		Supervisor's Conference (120)	
	Rule 9 - For non EM/GPS parolees only		Written reprimand (110)	
	Rule 11 - Up to 2 offenses, no pending/new drug related arrests, active in treatment		Documentation of Activity(Daily Journal)(108)	
	Rule 12 - With no positive drug tests and no pending/new drug related arrests		Verbal reprimand (105)	
	Rule 15/16 (except EM) - Slow but steady progress towards substantial compliance		Verbal review of rules (101)	
	* Consider time until discharge when issuing warrants			

*Level 1H may move up two sanction levels and Level 1 may move up one level
 *** consider time to discharge and diversion criteria

** Juvenile high moves up two levels.

APPENDIX J

Missouri Conditions of Youth Aftercare Supervision

Missouri

13 CSR 110-2.130 Release of Youths from DYS Facilities

(1)(B) Conditions of Aftercare Supervision.

Transfer to aftercare supervision is a conditional release. The rules of placement to which the child shall agree prior to this transfer shall be the principal conditions of this transfer and violation of these conditions may result in revocation of aftercare supervision.

The rules established by the division are as follows:

1. I will obey all city, state and federal laws;
2. I will report to the aftercare youth counselor as directed and immediately report any changes in residence, school, employment or other status;
3. I will not leave the state of Missouri, or alter any conditions of my placement agreement without the advance permission of the aftercare youth counselor;
4. I will obey the rules and instructions of my parents, foster parents or guardian. I will advise my aftercare youth counselor immediately if any problems arise in this area;
5. I understand that I am under the supervision of the DYS until discharged; and
6. Other special rules or conditions may be invoked to meet specific adjustment problems of the youth in the community.

APPENDIX K

Memorandum Regarding Due Process Rights During Parole Revocation Hearings Prepared by Commission

September 2011

MEMORANDUM

TO: Julie Biehl
FROM: Steve Bychowski
RE: Juvenile Right to Counsel During Parole Revocation Hearings
DATE: 09/11/2011

Introduction

This memorandum discusses juveniles' right to counsel during parole revocation proceedings in Illinois. It provides an analysis of the constitutional right to counsel as established by the Supreme Court in *Gagnon v. Scarpelli* and as subsequently applied by the courts. This memorandum then discusses juveniles' categorical right to counsel at revocation proceedings based on the criteria set forth in *Gagnon* and factors applied by federal courts. It should be noted that several states already statutorily provide juveniles with the right to counsel at revocation proceedings.

In Illinois, all parolees have the statutory right to retain their own counsel at preliminary and revocation hearings.¹ Neither the federal District Court for the Northern District of Illinois, nor the federal Seventh Circuit Court of Appeals has ruled on the issue of whether due process requires that all juveniles be provided with counsel in preliminary or revocation hearings.

Discussion

The United States Supreme Court has held that some parolees have a right to counsel at revocation hearings.² However, the Court has refused to provide a bright line rule, adopting instead a case-by-case approach.³ The Court stated that a parolee has a right to counsel in cases where the parolee has made "a timely and colorable claim (i) that he has not committed the alleged violation of the conditions upon which he is at liberty; or (ii) that, even if the violation is a matter of public record or is uncontested, there are substantial reasons which justified or mitigated the violation and make revocation inappropriate, and that the reasons are complex

or otherwise difficult to develop or present."⁴ The Court also stated that "the responsible agency . . . should consider, especially in doubtful cases, whether the probationer appears to be capable of speaking effectively for himself."⁵ The Court noted that most parolees do not have a right to counsel.⁶ However, "there will remain certain cases in which fundamental fairness—the touchstone of due process—will require that the State provide at its expense counsel for indigent probationers or parolees."⁷

The Court's test and its subsequent application by lower courts indicate that courts should consider four factors when determining whether a parolee has a right to counsel:

- (1) the strength of the parolee's claim that he did not violate the conditions of parole;
- (2) the strength of any mitigating factors;
- (3) the complexity of the parolee's defense; and
- (4) the parolee's ability of represent himself.

Whether a particular court finds that a parolee has a right to counsel depends on the facts of the case and the weight the judge gives to each factor. While some courts give each factor equal consideration, the Seventh Circuit will only consider the third and fourth factors if the parolee provides a compelling argument that either the first or second factor weighs in his/her favor.⁸

In *L.H. v. Schwarzenegger*, the U.S. District Court for Eastern California held that all juveniles have a right to counsel at revocation hearings.⁹ The court focused entirely on the fourth factor. The court concluded that juvenile parolees inherently lack the ability to adequately represent themselves.¹⁰ The court stated, "Put plainly, a parolee's lack of skills and education . . . is inherent to a juvenile. . . . In addition to juveniles' lack of education, maturity, and skills

1. 20 IL ADC 1610.140(c)

2. *Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973)

3. *Id.* at 788.

4. *Id.* at 790.

5. *Id.*

6. *Id.*

7. *Id.*

8. *United States v. Eskridge*, 445 F.3d 930, 932 (7th Cir. 2006); *United States v. Shannon*, 08-3037, 2009 WL 773870 (7th Cir. Mar. 25, 2009).

9. CIVS-06-2042LKKGGH, 2008 WL 268983 at *7 (E.D. Cal. Jan. 29, 2008).

10. *Id.*

as a function of their age, there are significant allegations that members of the plaintiff class possess additional difficulties that would impede their ability to argue on their own behalf at parole revocation proceedings. . . . [L]earning disabilities, substance abuse, difficulties in speaking and understanding English are alleged to abound among the class members.”¹¹

In *Dean v. Children’s Services Division Juvenile Corrections Program*, the State of Oregon denied a juvenile’s request for counsel at a revocation hearing.¹² The juvenile filed suit in both federal and state court.¹³ The federal court only considered the third and fourth factors and held that the parolee did not have a right to counsel.¹⁴ The court reviewed the revocation file and interviewed the parolee.¹⁵ The court concluded that (1) “the alleged violation and the surrounding context in which it was placed were not of the complex variety” and (2) “it cannot be fairly said [that the parolee] was unable to speak for himself so as to trigger the requirement of appointed counsel.”¹⁶ The state court held that the parolee was precluded from raising a right to counsel claim because the federal court already decided the issue.¹⁷

All juveniles have a right to counsel at parole revocation hearings based on the factors considered by courts. The first factor—the strength of the parolee’s claim that he did not violate a condition of parole—is inherently case specific and therefore cannot be used to make an argument about all juveniles. The second factor—the strength of mitigating factors—supports providing all juveniles a right to counsel. Being a juvenile is, in and of itself, a significant mitigating factor. As the Supreme Court stated in *Roper v. Simmons*, juveniles are “categorically less culpable than the average criminal. . . . The susceptibility of juveniles to immature and irresponsible behavior means their irresponsible conduct is not as morally reprehensible as that of an adult. Their own vulnerability and comparative lack of control over their immediate surroundings mean juveniles have a greater claim than adults to be forgiven for failing to escape negative influences in their whole environment. . . . [C]ulpability or blameworthiness is diminished, to a substantial degree, by reason of youth and immaturity.”¹⁸ In *Graham v. Florida*, the Supreme Court stated that the diminished culpability of juveniles is re-enforced by recent “developments in psychology and brain science.”¹⁹ The strength

of the above argument is particularly important if a federal case is brought in the Seventh Circuit because the court will not consider the third and fourth factors unless first or second factor supports a right to counsel.

The third factor—the complexity of the parolee’s defense—supports providing all juveniles a right to counsel. In order to successfully argue that youth is a mitigating factor, the parolee must discuss the significant psychological and physiological differences between youth and adults. These topics are inherently complex and would likely require legal research and expert testimony. The Supreme Court recognizes that decision makers cannot be expected to automatically treat youth as a mitigating factor or to give the factor the importance it deserves. Instead, youth are required to present both the evidence and case law demonstrating that youth is a significant mitigating factor. The Court stated in *Roper v. Simmons*, “An unacceptable likelihood exists that the brutality or cold-blooded nature of any particular crime would overpower mitigating arguments based on youth as a matter of course, even where the juvenile offender’s objective immaturity, vulnerability, and lack of true depravity should require a [less severe sentence]. In some cases a defendant’s youth may even be counted against him. In this very case . . . the prosecutor argued Simmons’ youth was aggravating rather than mitigating.”²⁰

Moreover, the level of complexity required by the third factor should be lowered for juveniles. Youth are less capable of understanding the purpose and procedural elements of revocation hearings. Youth are also often unable to understand the legal and factual issues that arise during revocation hearings. As the Supreme Court stated in *Graham*, “Juveniles . . . have limited understandings of the criminal justice system and the roles of the institutional actors within it.”²¹

The fourth factor—the parolee’s ability of represent himself—weighs heavily in favor of providing all youth a right to counsel. Youth’s diminished development, education, and experience significantly impede their ability to effectively communicate. Youth are also mistrustful of adults and less likely to cooperate during criminal proceedings.²² Moreover, juvenile parolees are more likely than other youth to have learning disabilities, substance abuse problems, and difficulties speaking and understanding English.²³ Consequently, paroled youth encounter significant difficulties representing themselves.

11. *Id.*

12. 645 P.2d 581, 583-85 (Or. App. 1982).

13. *Id.*

14. *Id.* at 584.

15. *Id.*

16. *Id.* at 584 fn. 5.

17. *Id.* at 588.

18. 543 U.S. 551, 567-71 (2005).

19. 130 S.Ct. 2011, 2026 (2010).

20. 543 U.S. 551 at 573.

21. 130 S.Ct. at 2032.

22. *Id.*

23. *L.H. v. Schwarzenegger*, CIVS-06-2042LKKGGH, 2008 WL 268983 at *7 (E.D. Cal. Jan. 29, 2008).

In addition to California, which provides counsel to juveniles at revocation hearings as a result of *L.H.*,²⁴ several states provide counsel to juveniles at revocation procedures. These include: Alaska,²⁵ Mississippi,²⁶ Nevada,²⁷ North Carolina,²⁸ Texas,²⁹ and Utah.³⁰

24. *L.H. v. Schwarzenegger*, CIV S-06-2042, 2010 WL 2943580 (E.D. Cal. July 23, 2010) (describing the process of compliance with the stipulated injunction requiring provision of counsel at revocation proceedings).

25. AK R DELINQ RULES Rule 24

26. Miss. Code. Ann. § 43-21-201

27. Nevada Revised Statute 62D.030

28. N.C. Gen. Stat. Ann. § 7B-2516 (a)(2); N.C. Gen. Stat. Ann. § 7A-450.3

29. 37 TAC § 95.51 (c)(9)

30. Utah Code Ann. § 62A-7-504 (3)

APPENDIX L

Projected Illinois County Court Caseload Modifications
Prepared by Commission

October 2011

County	Files in Study (6 months) ¹	Proportion of Study Population	Estimated Hearings/Year (study) ²	Average Hearings/Month (study)	Parole Violators in DJJ Facilities ³	Proportion of parole violators in custody	Proportional Hearings/Year (DJJ) ²	Average Hearings/month (DJJ)
STATEWIDE	370	100.00%	1,100	92	507	100.00%	1,100	92
Adams	3	0.81%	9	1	4	0.79%	9	1
Alexander	3	0.81%	9	1	5	0.99%	11	1
Bond	0	0.00%	0	0	1	0.20%	2	0
Boone	2	0.54%	6	0	2	0.39%	4	0
Brown	0	0.00%	0	0	0	0.00%	0	0
Bureau	1	0.27%	3	0	1	0.20%	2	0
Calhoun	0	0.00%	0	0	0	0.00%	0	0
Carroll	0	0.00%	0	0	0	0.00%	0	0
Cass	1	0.27%	3	0	2	0.39%	4	0
Champaign	5	1.35%	15	1	14	2.76%	30	3
Christian	4	1.08%	12	1	2	0.39%	4	0
Clark	1	0.27%	3	0	0	0.00%	0	0
Clay	0	0.00%	0	0	0	0.00%	0	0
Clinton	1	0.27%	3	0	0	0.00%	0	0
Coles	0	0.00%	0	0	5	0.99%	11	1
Cook	116	31.35%	345	29	181	35.70%	393	33
Crawford	1	0.27%	3	0	1	0.20%	2	0
Cumberland	0	0.00%	0	0	0	0.00%	0	0
DeKalb	0	0.00%	0	0	0	0.00%	0	0
Dewitt	0	0.00%	0	0	2	0.39%	4	0
Douglas	1	0.27%	3	0	0	0.00%	0	0
Dupage	3	0.81%	9	1	3	0.59%	7	1
Edgar	3	0.81%	9	1	2	0.39%	4	0
Edwards	0	0.00%	0	0	0	0.00%	0	0
Effingham	1	0.27%	3	0	3	0.59%	7	1
Fayette	2	0.54%	6	0	1	0.20%	2	0
Ford	0	0.00%	0	0	0	0.00%	0	0
Franklin	2	0.54%	6	0	2	0.39%	4	0
Fulton	1	0.27%	3	0	0	0.00%	0	0
Gallatin	1	0.27%	3	0	1	0.20%	2	0
Greene	0	0.00%	0	0	0	0.00%	0	0
Grundy	0	0.00%	0	0	2	0.39%	4	0
Hamilton	1	0.27%	3	0	0	0.00%	0	0
Hancock	0	0.00%	0	0	0	0.00%	0	0
Hardin	0	0.00%	0	0	0	0.00%	0	0
Henderson	0	0.00%	0	0	0	0.00%	0	0
Henry	0	0.00%	0	0	2	0.39%	4	0
Iroquois	2	0.54%	6	0	0	0.00%	0	0
Jackson	2	0.54%	6	0	0	0.00%	0	0
Jasper	0	0.00%	0	0	1	0.20%	2	0
Jefferson	1	0.27%	3	0	2	0.39%	4	0
Jersey	0	0.00%	0	0	2	0.39%	4	0
Jo Daviess	0	0.00%	0	0	1	0.20%	2	0
Johnson	2	0.54%	6	0	0	0.00%	0	0
Kane	13	3.51%	39	3	8	1.58%	17	1
Kankakee	15	4.05%	45	4	17	3.35%	37	3
Kendall	0	0.00%	0	0	5	0.99%	11	1
Knox	0	0.00%	0	0	1	0.20%	2	0
Lake	2	0.54%	6	0	5	0.99%	11	1
Lasalle	2	0.54%	6	0	6	1.18%	13	1
Lawrence	1	0.27%	3	0	0	0.00%	0	0

County	Files in Study (6 months) ¹	Proportion of Study Population	Estimated Hearings/Year (study) ²	Average Hearings/Month (study)	Parole Violators in DJJ Facilities ³	Proportion of parole violators in custody	Proportional Hearings/Year (DJJ) ²	Average Hearings/month (DJJ)
Lee	1	0.27%	3	0	2	0.39%	4	0
Livingston	5	1.35%	15	1	2	0.39%	4	0
Logan	2	0.54%	6	0	3	0.59%	7	1
Macon	15	4.05%	45	4	14	2.76%	30	3
Macoupin	3	0.81%	9	1	1	0.20%	2	0
Madison	15	4.05%	45	4	21	4.14%	46	4
Marion	4	1.08%	12	1	5	0.99%	11	1
Marshall	0	0.00%	0	0	0	0.00%	0	0
Mason	0	0.00%	0	0	0	0.00%	0	0
Massac	0	0.00%	0	0	2	0.39%	4	0
McDonough	0	0.00%	0	0	0	0.00%	0	0
McHenry	0	0.00%	0	0	2	0.39%	4	0
McLean	8	2.16%	24	2	5	0.99%	11	1
Menard	0	0.00%	0	0	1	0.20%	2	0
Mercer	0	0.00%	0	0	0	0.00%	0	0
Monroe	0	0.00%	0	0	0	0.00%	0	0
Montgomery	3	0.81%	9	1	0	0.00%	0	0
Morgan	0	0.00%	0	0	1	0.20%	2	0
Moultrie	0	0.00%	0	0	2	0.39%	4	0
Ogle	0	0.00%	0	0	1	0.20%	2	0
Peoria	18	4.86%	54	4	36	7.10%	78	7
Perry	1	0.27%	3	0	3	0.59%	7	1
Piatt	0	0.00%	0	0	0	0.00%	0	0
Pike	0	0.00%	0	0	1	0.20%	2	0
Pope	0	0.00%	0	0	0	0.00%	0	0
Pulaski	0	0.00%	0	0	0	0.00%	0	0
Putnam	0	0.00%	0	0	0	0.00%	0	0
Randolph	2	0.54%	6	0	1	0.20%	2	0
Richland	2	0.54%	6	0	2	0.39%	4	0
Rock Island	17	4.59%	51	4	20	3.94%	43	4
Saline	3	0.81%	9	1	0	0.00%	0	0
Sangamon	10	2.70%	30	2	9	1.78%	20	2
Schuyler	0	0.00%	0	0	1	0.20%	2	0
Scott	0	0.00%	0	0	0	0.00%	0	0
Shelby	0	0.00%	0	0	0	0.00%	0	0
St. Clair	5	1.35%	15	1	9	1.78%	20	2
Stark	0	0.00%	0	0	0	0.00%	0	0
Stephenson	6	1.62%	18	1	6	1.18%	13	1
Tazewell	6	1.62%	18	1	7	1.38%	15	1
Union	0	0.00%	0	0	0	0.00%	0	0
Vermillion	18	4.86%	54	4	18	3.55%	39	3
Wabash	0	0.00%	0	0	0	0.00%	0	0
Warren	0	0.00%	0	0	0	0.00%	0	0
Washington	1	0.27%	3	0	0	0.00%	0	0
Wayne	0	0.00%	0	0	0	0.00%	0	0
White	1	0.27%	3	0	1	0.20%	2	0
Whiteside	0	0.00%	0	0	2	0.39%	4	0
Will	6	1.62%	18	1	8	1.58%	17	1
Williamson	3	0.81%	9	1	4	0.79%	9	1
Winnebago	21	5.68%	62	5	33	6.51%	72	6
Woodford	1	0.27%	3	0	1	0.20%	2	0

1. The Commission's study included 386 parole files, but the committing county could only be identified in 370 counties. Proportional representation is calculated against the 370 files with attributed counties.

2. The number of total annual revocation hearings used (1,100) was obtained by averaging the revocation hearings reported in the Prisoner Review Boards most recent annual reports (FY04-FY09). The actual number of hearings should be lower, due to the trend of declining DJJ commitments as well as the reforms outlined in this report (e.g. implementation of youth-appropriate parole conditions, expansion of the Aftercare Specialist position, and increased use of graduated sanctions prior to revocation proceedings), all of which should significantly reduce revocation proceedings.

3. This column represents the total number of youth currently incarcerated in DJJ due to both technical violations and new charges.

