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Response to the Independent Office of the Juvenile Ombudsman's 2016 Annual Report

On December 23, 2016, the Office of the Independent Juvenile Ombudsman (OIJO) issued its first report on the Illinois Department of Juvenile Justice (IDJJ) to the Governor and the General Assembly pursuant to 730 ILCS 5/3-2.7-35. The Ombudsman invited IDJJ to submit a response.

The Report documented the Ombudsman's work between August 2015 and June 30, 2016. Between June of 2016 and the issuance of the Ombudsman's Report in December 2016, many positive changes have taken place throughout IDJJ. The Department has improved its collaboration with the Ombudsman to ensure that youth complaints are timely addressed and investigated when appropriate. In addition, IDJJ will continue to implement the goals of its 2015 Strategic Operating Plan as well as work toward substantial compliance with all requirements of the *RJ v. Mueller* consent decree. In response to the Ombudsman's suggestions, the Department has also created a toll-free number for youth to contact the OIJO, added additional cameras at IYC-Harrisburg, and worked with the Ombudsman to develop an information sheet for youths about their rights while in custody which will be provided in the orientation packet starting in February 2017.

Systemic Issues

In the report, the Ombudsman identified four systemic issues routinely raised by youths: (1) placement delays, (2) the youth grievance process, (3) excessive confinement, and (4) credibility.

1. Placement: Youth spending extended time in facility post release

Some youth may need to reside in a residential placement upon release from an IDJJ facility whether due to specific treatment needs or because they are an Illinois Department of Children and Family Services (DCFS) ward (*i.e.*, "dually-involved"). During the reporting period, the Ombudsman initially observed delays in securing such placements, but acknowledged improvements for non-DCFS involved youths starting in January 2016.

Promptly securing placements for youths has been a top priority for IDJJ, and an area where the Department has made significant investments. IDJJ created a Placement Unit in January 2016 to focus on the early identification of youth in need of a residential placement to ensure that a bed is secured for a youth when they are eligible for release. The Placement Unit also developed and consistently updates a "barrier list" to track youth that are difficult to place due to some placement barrier. By November 2016, the number of IDJJ youth remaining on the barrier list that the Department was responsible for placing was zero.

During the same time period, the Department has used its statutory authority to place special needs youth on an "Authorized Absence" while they are in-custody. These Authorized Absence youth are placed in a residential treatment facility to receive specialized therapeutic treatment that the Department's facilities cannot provide. Allowing youth to receive treatment and intervention before their release makes it easier to continue these services once they are eligible for release. Many Authorized Absence youth stay in treatment

through release and while on Aftercare; the placement process is therefore expedited for youth on Authorized Absence.

Locating a placement for DCFS-involved youth continues to be a challenge due in part to the background and delinquency of these youth. IDJJ executive staff meets monthly with DCFS to discuss those dually-involved youth who are close to or beyond their target release date to improve communication between the departments and help reduce delays in release.

2. Grievance Procedure

According to the Ombudsman, youth expressed concerns about the process for filing a grievance, including the confidentiality of the process and timeliness of resolutions. Similar issues regarding the grievance process have been raised by the American Civil Liberties Union (ACLU) and the court-appointed monitor in the *RJ v. Mueller* consent decree case. In response to these concerns, the Department has been working to revise its grievance procedure to increase youth confidence in the process. The Department has shared its draft grievance procedure with the Ombudsman for input and has also circulated it with the ACLU and court-appointed monitor for their review and feedback.

3. Room Confinement

The Ombudsman also reported repeated complaints from youths about the lack of out-of-room time and inability to attend school, primarily at IYC-Kewanee and IYC-St. Charles, due to staffing shortages.

In July 2016, IDJJ closed IYC-Kewanee as part of its effort to move away from large, institutionalized facilities toward a smaller, regional model, which is shown to produce better youth outcomes. At IYC-St. Charles, the Department has hired new security staff and educators, and will continue doing so throughout 2017. The Department's remaining four facilities have a full complement of security staff and are providing full-time, full-day school for high school eligible youth.

All facilities are required to provide programmatic schedules to IDJJ executive staff, and internal audits are conducted to ensure that the facilities are adhering to those schedules. In 2017, the Department also will continue to focus on enhancing its programmatic opportunities and volunteer partnerships to maximize youth out-of-room time, particularly at IYC-St. Charles, which currently has the least rich offering.

4. Credibility

Youths voiced concern to the Ombudsman "that their complaints and grievances about staff conduct were routinely disregarded or resolved against them" and that staff presumed they were lying.

The Department takes youth complaints seriously and investigates allegations of staff misconduct. When allegations are substantiated, it proceeds with corrective action, as appropriate. Since June 2016, the Department's executive staffs have been in regular communication with the Ombudsman to address youth complaints.

Complaints, Issues, and Inquiries

In addition to the above systemic issues, the Ombudsman recognized youth concerns with (1) the disciplinary process, (2) staff use of physical force, (3) lack of therapeutic interventions, and (4) racially provocative language and discrimination.

1. Disciplinary Process

The Department continues to work toward improving consistency, fairness, and staff-accountability in the disciplinary process. As part of that effort, IDJJ developed a graduated sanctions matrix as guidance for staff regarding appropriate sanctions for particular negative behaviors to reduce arbitrariness. In 2017, IDJJ will be training staff on this new matrix and also will be re-training staff who conduct disciplinary hearings to ensure that proper procedures are followed. Designated IDJJ executive staffs are also reviewing all disciplinary hearing results to identify the areas where staffs are struggling to adhere to policy so future trainings can target those areas.

2. Staff Use of Physical Force

Anytime an “unusual incident,” such as a youth fight or assault, occurs at a DJJ facility, the Deputy Director of Operations (or executive staff designee) is notified by phone to review the incident with the facility. Department executive staffs also receive timely email reports of these incidents which document whether any physical force was used, including mechanical restraints and chemical spray. Both facility administrators and Executive Staff frequently review video footage of these incidents to assess how they were handled, including whether the use mechanical or chemical restraints was appropriate and consistent with the Department’s policies. Depending on the circumstances, the review may prompt an investigation and possible counseling or discipline of involved employees.

Security staff also has received Crisis Prevention Institute (CPI) de-escalation training to aid them in reducing conflicts before physical intervention becomes necessary. The Department continues to review the relevant policies with staff during roll-calls, and this remains an area of on-going security staff training.

3. Therapeutic Interventions

The Ombudsman reported that youth complained about the lack of therapeutic interventions if they did not have a diagnosable behavioral health issue.

All youth receive a battery of evidence based screenings and assessments at intake. Within 24 hours of admission, the Department’s mental health staff administers the MAYSI-2 screening tool to identify youth with mental health risks that need to be addressed immediately. If the results of the MAYSI-2 show that a youth is at increased risk for mental health issues, licensed mental health professionals will conduct a clinical assessment and will refer youth to a psychiatrist if there are any concerns about medication or if a need for medication is shown. Youth are also screened for potential substance abuse treatment needs using the TCU screening instrument and GAIN assessment, for risk of victimization, and for risk of self-harm using the VISA tool. Youth with behavioral health issues are matched with mental health and/or substance abuse treatment services based on identified needs. In addition to assessment to identify diagnosable behavioral health issues, every youth entering IDJJ is assessed using the Youth Assessment and Screening Instrument (YASI), which an evidence-based tool is designed to identify the risks driving youth criminal behavior and the strengths they can build upon to desist. Based on the risks and strengths identified in the YASI, the youth and his or her counselor develop a case plan with specific goals and action steps. These case plans are implemented for every youth at IDJJ, regardless of whether they have diagnosed behavioral health needs.

For youth without a diagnosable behavioral health issue, each facility provides a group called *Structured Psychotherapy for Adolescents Responding to Chronic Stress* (SPARCS). In these groups, youth learn stress-relieving skills like mindfulness techniques, problem solving, and distress tolerance. Youth also have the opportunity to participate in skill-building groups, anger management, parenting, or cultural competency groups conducted by the mental health staff at the facility. Each of these groups is voluntary.

The Department has implemented a variety of evidence-based practices over the past few years that are aimed at helping youth address their own behaviors, improve their problem solving skills, and

reduce their criminogenic risk of reoffending. Overall, the Department uses the Positive Behavior Interventions and Supports (PBIS) behavior management model to both incentivize positive behavior and intervene with youth who are struggling to maintain safe and positive behavior. The Department also provided professional coaching to further train staff on the creation of goal-driven case plans for each youth in custody and to ensure that the goals are meaningful, achievable, and measurable. The Department will continue to provide coaching in 2017 as new legislation is implemented that will make the monthly case staffing process more developmentally appropriate and rehabilitative while aligning the process with the PBIS incentive-based, youth-centered approach.

The Department also has identified two additional evidence-based intervention programs to be implemented in 2017: Thinking for a Change and Aggression Replacement Therapy. These programs are aimed at developing coping, forward thinking, and problem solving skills and are not limited to youth with behavioral health diagnoses.

4. Racially Provocative Language and Discrimination

Youth also complained to the Ombudsman about a very small number of staff using racially provocative language and discriminating against African-American youth. The Department has zero-tolerance for racially provocative language or discrimination and has provided trainings for staff related to this topic, including cultural competency training and multicultural awareness training provided by the Anti-Defamation League. As with other youth complaints, the Department reviews such allegations, determines whether further investigation is warranted, and takes corrective action as appropriate. Unfortunately, allegations related to verbal comments are often difficult to substantiate because the Department's current camera system does not record audio.