

Office of the Independent Juvenile Ombudsperson

IL Department of Juvenile Justice

Fiscal Year 2024

Annual Report

Still here.

In many ways, it has felt like a hard year in and around DJJ. To paraphrase the oft-memed words of former *Real Housewife of Atlanta*, Marlo Hampton, “[This year] drained me. More young people are entering into this system with higher, more complex needs and longer sentences. They are growing up and moving through adolescence into young adulthood in carceral spaces and the system is straining under the weight of meeting their needs adequately. As DJJ transforms, so does its youth. This year, leadership across DJJ changed from top to bottom. The number of youth is steadily rising from the lowest lows of the pandemic but every facility struggled to maintain consistent, optimal staffing levels. These low staffing levels made for exhausted staff and disgruntled teenagers. With exhaustion came mistakes, delays, and neglect. Those mistakes, those delays and that neglect most acutely harmed the youth in custody and, candidly, frustrate the members of this Office.

But even when feeling frustrated, frightened, *drained*, the Ombudsperson’s Office is still here.

Here is the annual report submitted by the Office of the Independent Juvenile Ombudsperson to the Honorable JB Pritzker, Governor of the State of Illinois and the Illinois General Assembly summarizing the activities done in furtherance of the purpose of the Office of the Independent Juvenile Ombudsperson (OIJO or Office) pursuant to 730 ILCS 5/3-2.7-35. This report covers state fiscal year 2024 (July 1, 2023 - June 30, 2024) the period hereafter known as FY2024.

This document contains aggregated and disaggregated data organized by individual facility. It also describes for consideration by the General Assembly and the Governor the work of the Ombudsperson, issues and complaints undertaken by the Ombudsperson without confidential identifying information concerning the subjects of the reports, and recommendations that the Ombudsperson has relating to systemic issues in the Department of Juvenile Justice’s provision of services and other matters.

Office Background

The Office of the Independent Juvenile Ombudsperson was created by statute in 2014. This Office was created as a parallel entity with the Department of Juvenile Justice for the purpose of securing the rights of youth committed to the Department.¹ On February 23, 2023, the Illinois Senate confirmed the appointment nomination from Governor Pritzker of Karima Douglas to the Office of Independent Juvenile Ombudsperson. Her appointment began on September 27, 2021, with a term ending on February 1, 2025. The Ombudsperson reports directly to the Governor and “may only be removed by the Governor for incompetency, malfeasance, neglect of duty, or conviction of a felony.”² Cases of severe abuse or injury of a youth, serious misconduct by staff, as well as other special circumstances identified by the Ombudsperson must immediately be reported to the Governor and Director of IDJJ.³ The Independent Juvenile Ombudsperson provides an Annual Report summarizing the activities and findings of the Office to the General Assembly and the Governor.⁴

¹ 730 ILCS 5/3-2.7-5

² 730 ILCS 5/3-2.7-15

³ 730 LCS 5/3-2.7-25 (c)

⁴ 730 ILCS 5/3-2.7-35

Duties of the Office of the Independent Juvenile Ombudsperson

- Review and monitor the implementation of rules and standards established by the Department of Juvenile Justice.
- Evaluate the delivery of services to youth.
- Provide assistance to a youth or family who are determined to be in need of assistance.
- Investigate and attempt to resolve complaints when a youth or family is in need of assistance or a systemic issue regarding the provision of services is raised.
- Review and periodically inspect the facilities and procedures of any facility in which a youth is placed.
- Be accessible to and meet confidentially and regularly with youth to inform them about pertinent laws, rules and policies, and their rights.
- Report certain types of serious concerns immediately to the Director of DJJ and the Governor.⁵
- Refer alleged criminal behavior and violations of the State Officials and Employee Ethics Act to the Illinois State Police, and the Executive Inspector General respectively.
- The Ombudsperson is a mandated reporter and reports allegations of abuse and/or neglect to the Department of Children and Family Services Hotline.
- Promote awareness of the Ombudsperson's Office among the public and youth.
- Develop and make available a complaint process for youth and anyone complaining on behalf of a youth.
- Notify the guardian ad litem and attorney, parent or guardian of a critical incident involving a youth and provide a copy of the critical incident report upon request.

Rights of the Office of the Independent Juvenile Ombudsperson

- Review court files of youth.
- Recommend policies, rules, and legislation designed to protect youth.
- Make appropriate referrals.
- Attend internal administrative and disciplinary hearings and advocate for the best interest of youth when necessary.
- Contact or consult with an administrator, employee, youth, parent or expert.
- Have confidential and privileged communication initiated by youth in person, by phone, by mail or any other means at any time.
- Have full and unannounced access to youth and Department facilities at any time.
- Have appropriate meeting space in the facility that preserves confidentiality.
- Participate in professional development and appropriate professional training.
- Receive copies of critical incident reports.

⁵ 730 ILCS 5/3-2.7-25(c)(1) – (5)

The OIJO has no authority to compel DJJ staff or administrators to change a decision or alter a policy or practice. Rather, the Ombudsperson brings to the attention of DJJ leadership issues involving the rights of committed youth, fairness in the access and application of services, policies and practices and other matters that warrant the Office's involvement.

Summary of Activities

One of the most critical ways we build and maintain relationships with the youth we serve is by staying in touch by phone. Over the course of FY2024, we received over 1000 calls from young people from all five Illinois Youth Centers as well as aftercare and a few county-operated juvenile detention centers. Youth in DJJ custody and on aftercare, their family members and others calling on their behalf could reach the OIJO by telephone five to seven days a week. All calls from Illinois Youth Centers remain free, unmonitored, and unrecorded to maintain the confidentiality of the Office. Youth have access to Securus operated phones in common areas of each of their living units. The reasons for youth calls vary widely and we encourage youth to call for any reason they feel the need to. Youth may call to initiate complaints, to ask questions about navigating DJJ, to confirm answers they have received from DJJ staff, to vent about bad days or to share good news. For the purposes of this report and to limit duplicate statistics, our Office records the number of issues based on our formal and informal inquiries and complaints to the Department rather than how often the issues are discussed with youth by phone or in person.

We made in-person visits to each of the DJJ Illinois Youth Centers (IYCs) a total of 88 times. At IYC Chicago: **25**; IYC Harrisburg: **9**; IYC Pere Marquette: **8**; IYC St. Charles/PEACE Center: **26**; IYC Warrenville: **20**. In addition to visiting young people in IYCs, the Restorative Justice and Community Outreach Manager made **11** visits to residential treatment facilities where youth have gone after release from DJJ. These visits allowed us to observe youth in community settings and gain valuable insight into how young people are served when they can't return home, need additional services before returning home or when they just need a leg-up in building a home for themselves. DJJ, especially its Aftercare/Community Services Division continued to do a notable job cultivating a network of stalwart providers, mentors, and volunteers. So many young people seem better for it.

When we weren't taking calls or walking through facilities, we were:

- Keeping circle with incoming DJJ staff interns
- In Springfield, listening to and testifying before legislators
- Meeting with juvenile justice stakeholders, defense attorneys and advocates
- At School District #428's annual retreat
- Participating in youth adjustment committee hearings
- Sitting in circle with youth, staff and community-based providers
- On calls with DCFS and DJJ re: dually involved youth placement challenges
- Meeting with county-operated juvenile detention center representatives re: next year's OIJO expansion

In November 2023, the Ombudsperson spoke on a panel on the topic juvenile justice system oversight at the NACOLE (National Association of Civilian Oversight of Law Enforcement) Conference. In February

2024, the Ombudsperson joined the faculty for the Supreme Court of Illinois Judicial College's Education Conference. There, she had the opportunity to meet with over 50 judges as they toured DJJ Illinois Youth Centers and introduce to them the role and responsibility of this Office and the pivotal part they play in the lives of the young people they commit to DJJ. In May 2024, the Ombudsperson visited Northwestern University Pritzker School of Law to gleefully watch IYC Chicago youth act as attorneys alongside current law students in their first mock trial. In June 2024, the Ombudsperson just as gleefully joined the celebration for high school graduates at IYC Chicago. 😊

Monitoring and Referrals

Most of the routine, day to day work of the Office revolves around monitoring and referrals. Monitoring included our routine observations and tracking of how DJJ and its affiliates implements its policies. This year, the staff of the OIJO routinely participated in "adjustment committee" disciplinary hearings and remained a permanent fixture in DCFS/DJJ biweekly dually involved youth meetings. We observed responses to major behavior incidents in real time, met with administrative teams at each of the IYCs and met weekly with executive team members. Monitoring also looked like our Office regularly requesting and tracking internal youth grievances, critical incident reports, monthly logs of new criminal complaints against youth, internal and external investigations, and legislative changes that directly impact youth commitments.

Referrals included the routine communications between the OIJO team and DJJ administrators and executive team members. These communications are most often by email and are the primary way we inform DJJ personnel of youth questions, complaints, and concerns in the hopes of resolving those issues expediently and in the best interest of the youth. Our primary responsibility is to amplify the voices of young people and these direct referrals allow us to draw attention to specific, individual youth concerns in a way that may get lost in daily operations or may not have been packaged in the best way to be heard otherwise. In FY2024, we made over **600** referrals of youth issues to IYC administrators.

Issues Spotlight by Facility

IYC Chicago

Physical plant issues continue to be the most common subject of youth calls and complaints. Issues from last year continued into FY2024. Broken phones remain broken for weeks. Holes in ceilings and drywall are common throughout the aging and poorly made structure. The structure has no defined outside recreation space beyond a small portion of the "sally port" in the parking lot, so the disrepair inside the facility is even more frustrating. Youth complained of standing water in the showers, apparent mold, and cold showers. After more attention was brought to some of these issues in the Spring, there were significant improvements made to the overall cleanliness of these spaces and a concerted effort to make the repairs that were in the control of the Department to make.

Beyond the physical plant, this year showed an increase in tensions between youth and staff. Our office made more referrals about staff antagonizing them, inappropriate room confinements and excessive use of force. Those tensions came coupled with frustrations with staff's handling of their property, timeliness of responding to youth requests and processing of impactful paperwork. This year also showed a notable increase in major contraband. Youth often reached out to our Office with complaints about how staff and leadership responded to this increase in contraband especially when that

contraband included drugs or banned electronic devices. Youth most often asked for more. More programs, more field trips, more time in fresh air, more grace, more communication, more opportunities for paid work and to be treated more like the young adults they were.

IYC Harrisburg

Hostile tensions between staff and youth continue to be the most common issue at IYC Harrisburg. These tensions are not just with security staff but the Office routinely amplified requests from youth about changes to their clinical and treatment teams. Youth often reached out to our Office frustrated that they didn't see or spend enough time with their youth and family specialist (YFS or counselor). They were also frustrated that when they needed to speak with a mental health professional to process negative emotions or to touch base with an ally, they were met with resistance. Our Office too often acted as somewhat of an operator relaying messages between young people and administrators because front line staff could not or would not engage. IYC Harrisburg still had the highest number of youth of the five facilities but continued to have a disproportionately high number of youth requests to transfer out to other facilities. Multiple youth complained of being assaulted by staff followed by credible threats of retaliation if they reported the abuse.

IYC Pere Marquette

IYC Pere Marquette maintained the smallest youth population with the fewest referrals. There were more transfers in and out of the facility and several changes in leadership in the second half of the fiscal year. Youth sometimes complained of antagonism from staff, peer bullying, delays in processing phone sheets, time reductions and release decisions. Youth at this facility asked most frequently for new shoes due to complaints of poor-quality materials.

IYC St. Charles/PEACE Center

In March 2024, IYC St. Charles rebranded into the PEACE Center at St. Charles. PEACE Center boasts unique programming tailored to high school graduates and emerging adults. As the transition happened, many youth spoke to our Office with concern about being pushed out of the facility because they had not yet graduated. Other common issues centered on confusion re: new PEACE center expectations that differed from other IYCS or seemingly changed from what was promised. There were also concerns raised about intel surveillance being malicious and biased. Youth complained about too many room searches resulting in inappropriately seized property not always returned or stored properly. When youth reacted aggressively to those searches, youth complain that staff matched that aggressive energy rather than deescalated tensions as expected.

IYC Warrenville

This year showed an increase in issues and complaints from youth at IYC Warrenville. Youth reached out quite often about physical plant issues. Plumbing and draining issues as well as broken appliances were common. Youth were displaced several times by electrical fires within the facility leaving them to be temporarily housed on units in poor condition. Repairs seemingly took weeks to months and youth felt ignored or unheard. These issues, grouped with chronic understaffing, administrative hold room confinement and no access to outdoor recreation left youth restless and frustrated. Youth also commonly reached out with safety concerns among their peers and too often being held back from school or movement about the facility.

Recommendations

Many of the FY2024 issues spotlighted above from all DJJ's youth centers represent chronic issues this Office presents annually. Below are our renewed, relevant recommendations for systemic improvements:

- Youth and staff who are directly involved in similar critical incidents should be brought together to sit in restorative peace circles facilitated by trained peacemaking circle keepers where they can openly discuss what happened, explain their perspective, take responsibility for their part in the harm that was done, and reach consensus about what everyone needs to feel safe in the future.
- This Office wants DJJ to follow, in good faith, its policy on the usage of behavioral holds. The relevant policy reads in part: "It shall be the policy of the Department to utilize de-escalation techniques and minimize the use of confinement. Staff should make every reasonable effort to avoid confinement when possible and first attempt less restrictive techniques." The policy allows for staff to place youth on a behavioral hold for "engaging in dangerous behavior that poses a serious and immediate threat to his or her own safety, the safety of others, or the security of the youth center."
- Staff members with a history of staff assault allegations should be retrained and if training fails, they should be assessed for their suitability for working with troubled teens.
- Assign staff members with a history of misconduct allegations and/or staff assaults charges to positions and areas where they have little to no contact with youth.
- Install high quality video and audio equipment and eliminate blind spots in all Illinois Youth Centers for the protection of both staff and youth.
- Require that staff use camcorders or body worn cameras to videotape and audio record interactions between youth and staff that occur in youths' rooms and walks between installed camera blind spots.
- Contract with community based mental health providers experienced in addressing the needs of traumatized and mentally ill African American youth. The provider should both treat youth and train mental health and other staff in the best practices of trauma informed care.
- Create a specialized treatment team or contract with a community provider to serve youth with the most challenging behavior. The unit or provider should employ a multicultural, multi-systemic treatment team experienced in assessing, treating and succeeding with this population of youth.
- Regularly review movement logs to ensure that youth are receiving adequate hours of education, recreation and mental health services.
- Formally limit the use of transfer to the Illinois Department of Corrections as a consequence or threat of punishment for negative behavior. Those threats, that only apply to a relatively arbitrary group of young people committed to DJJ, foment a culture of fear and manipulation rather than treatment and rehabilitation.

Summary of Complaints

Complaints are the formal written memos from the Ombudsperson's Office to the IDJJ Director and Executive Staff regarding serious issues that were ongoing and could not be resolved through informal referrals, presented a systemic problem and/or a complainant requested that a written complaint be filed. In FY2024, the OIJO filed **six** complaints on behalf of IDJJ youth. As spoken to above, most of the issues reported to the Ombudsperson are addressed informally by referral to Illinois Youth Center administrators or DJJ Executive Staff. Formal complaints were typically investigated by the Office and discussed with DJJ leadership before they issued a written response. This year complaints spanned several critical, chronic issues including: staff misconduct, understaffing hindering youth access to services, deprivation of education, and egregious facility response following major disturbance and lockdown.

- September 2023

○ Staff Response to Youth Following Major Facility Incident- IYC St. Charles

- When living units were suddenly condensed from six to four, dozens of youth were chaotically displaced starting first thing in the morning until late evening. Meals were delayed, rooms were emptied, property chaotically seized and youth were sprayed with OC with no opportunity for showers, and communication to youth was all but nonexistent.
- Recommendations included- establish a clear, expedited process for reimbursing youth when property is seized and subsequently lost or damaged; cement in policy a requirement that youth be offered a shower and a clean change of clothes after sprayed with OC.

- November 2023

○ Staff Misconduct and Youth Confinement- IYC Chicago

- After a young person assaulted a staff person, he and the rest of his unit were subjected to two days of room confinement and stripped of their property under the authority of "administrative holds." Countless staff saw this treatment and did nothing to intervene under the authority of "chain of command." That chain of command was thwarted, however, when direct orders to release the youth from their rooms and restore recreation were ignored.
- "Harm/Concerns: The magnitude of the harm to these young people is immeasurable. I'm concerned that youth who have spent most of their childhood in and out of carceral settings still process their grief, trauma, disappointment and anger using violence. I'm concerned about the mental and physical well-being of JJS X and other staff hurt by young people they work to serve. I'm concerned that staff who feel exhausted, battered, outnumbered and insecure take out their low morale on kids who have no choice but to depend on them. I'm concerned that staff can so casually use solitary confinement to

punish young people in opposition to law, administrative rules, agency directives and direct orders from the Chief Administrative Officer and Director. I'm concerned that some staff feel justified to act outside proper procedure and basic decency because they feel like youth "get away with too much" and there's "too much going on" and administration cares "too much" about the youth and not enough about them. I'm concerned that despite what cover is provided by policy, room confinement causes just as much harm when it's called a behavior hold as when it's called an administrative hold, investigative hold, time out or cool down."

- **March 2024**

○ **Youth Inappropriate Placement at IYC Harrisburg**

- A youth from Chicago was removed from his close to home facility at IYC Chicago and transferred to IYC Harrisburg due to chronic misbehavior. While the message to him at the time was that this move was temporary to separate him from negative influences, once he was moved, the message changed to making the move permanent. DJJ has repeatedly professed to value keeping youth close to home (family, community) but continue to move youth furthest away to IYC Harrisburg attaching the opportunity to return closer to home to seemingly unachievable goals.
- Recommendations include- For DJJ to stop the practice of moving northern region youth to IYC Harrisburg. For DJJ to stop the practice of transferring youth to IYC Harrisburg for the purpose of curtailing negative behavior. Every DJJ facility should be equally equipped to follow disciplinary policy and address youth's negative behaviors.

- **April 2024**

○ **School Attendance at IYC Warrenton**

- Youth routinely complain about being kept from attending full-day school as scheduled and required. The common reasons given are "limited teaching staff," "limited safety and security staff," and "intervention plans" which are disciplinary separation from school due to youth misbehavior both at and outside of school. While explanations were always given for why youth were held back or sent back from school early, there didn't seem to be any urgency in creatively changing conditions to prioritize school attendance as a right rather than a discretionary activity.

- **June 2024**

○ **Staff Misconduct, Inappropriate Use of OC Spray and Unit Confinement- IYC Chicago**

- After one youth got into a verbal, then physical altercation with a staff person in the lunch room with the rest of the unit in close proximity, staff responded with excessive force followed by unit-wide punishment including room confinement.
- “Harm/Concerns: OC spray was used on youth not directly involved in an incident, not posing an imminent threat, seconds after any youth took a step out of place in a room where multiple staff were available for less harmful redirection and de-escalation. The response to youth reacting normally to multiple staff having their peer on the floor right in front of them was disproportionately harmful and further exacerbated by an unnecessary period of room confinement. Putting youth in their room to process an incident because the staff feel out of control just makes youth feel out of control. Telling them that it was for their de-escalation and reflection when they know the rules regarding room confinement and physical intervention is gaslighting.”

○ **Inappropriate and Excessive Room Confinement- IYC Chicago**

- In the early afternoon, an upset young person reacted to bad news by breaking a DVD player and fire alarm. When told to go to his room to cool down, he did so without resistance. He was not allowed out of his room again until the next morning. He went without a shower for the night and did not receive dinner until 3 hours after everyone else in the facility.
- “Harm/Concerns: Facility staff use room isolation as punishment (which is unlawful) rather than de-escalation (which he didn’t require after the time out period of ~30 minutes). There is no substantive purpose to behavior hold documentation if the documentation of the routine check-ins with youth could so easily be ignored, exaggerated, or falsified by staff. This youth’s repeated asks for release from his room and attention to what was unjust about his confinement could so easily be ignored or documented as “aggression.” The harm of sustained room confinement is well established in best practice, proper trauma informed care research, state law and agency policy. The harm of false and rote reporting is the continued mistrust between staff and youth in custody. This (justified) mistrust contributes to the chronic aggression between staff and youth and the reluctance of youth to report staff misconduct through appropriate channels.” This compromises everybody’s safety.