

“How Are The Children?”

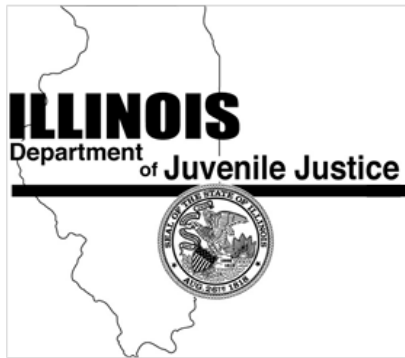
OFFICE OF THE
Independent Juvenile Ombudsperson
ILLINOIS DEPARTMENT OF JUVENILE JUSTICE



Annual Report | State Fiscal Year 2018

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J.B. Pritzker
Governor

Kathleen Bankhead

OFFICE OF THE INDEPENDENT JUVENILE OMBUDSMAN
1112 South Wabash Avenue, 2nd Floor

Chicago, Illinois 60605

February 11, 2019

To the Honorable J.B. Pritzker, Governor of the State of Illinois

To the Honorable Juliana Stratton, Lt. Governor of the State of Illinois

To the Honorable members of the Illinois General Assembly

Dear Governor Pritzker and Members of the Illinois General Assembly:

I am pleased to present the Annual Report from the Office of the Independent Juvenile Ombudsperson for the Department of Juvenile Justice (OIJO) pursuant to 730 ILCS 5/3-2.7-35. The OIJO functions independently within the department of Juvenile Justice for the purpose of securing the rights of youth committed to the Department of Juvenile Justice. This report summarizes the activities of the OIJO, recounts some actual incidents which highlight areas that need to be addressed, some recommendations to address them, and contains data both aggregated and disaggregated by individual facility for the fiscal year 2018.

The Department of Juvenile Justice continues to strive to fulfill its mission. While much has been accomplished and aspects of the consent decree under which it is operating are being implemented, there are still troubling policies and practices. The OIJO is grateful for the support of the Governor's Office and the leadership of the Department, which permit us to continue to identify issues with the operations of DJJ and make recommendations to address the issues. Some actions taken as a result of our investigations have ameliorated damaging department activities. We look forward to continuing to work with all stakeholders to resolve the things which currently impede the Department from successfully fulfilling its mission.

Thank you for the continued honor of serving in this capacity.

Respectfully submitted,

Kathleen Bankhead

Acting Independent Juvenile Ombudsperson

Karima Douglas

Deputy Ombudsperson

Introduction

“No tribe [of Africa] is considered to have warriors more fearsome or more intelligent than the mighty Maasai. It is perhaps surprising then to learn the traditional greeting that passes between Maasai warriors. ‘Kasserian Ingera,’ one always says to another. It means, ‘How are the children?’ ... ‘All the children are well’ means that life is good. It means that the daily struggles of existence do not preclude proper caring for the young. That peace and safety prevail, that the priorities of protecting the young, the powerless, are in place, that Maasai society has not forgotten its reason for being, its proper functions and responsibilities. I wonder how it might affect our consciousness of our own children’s welfare if, in our culture, we took to greeting each other with this daily question: ‘And how are the children?’ ‘What would it be like?’ I wonder.”¹

The power of the Maasai people is evidenced in their short greeting and traditional response. It is proof that a society is strongest when its most vulnerable are cared for. It reveals that the way to public safety starts with children and it’s not only a goal but a communal responsibility. The answer to this question defines the work of The Office of the Independent Juvenile Ombudsperson (OIJO) in FY2018. The OIJO strives to ensure that the children committed to the care of the Illinois Department of Juvenile Justice are well. Despite the reforms set in motion by Department leadership, many Department staff and Maasai-like community advocates – the children are not well. There is a lot of work still left to do.

This is the annual report submitted by the OIJO to the Honorable J.B. 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) pursuant to 730 ILCS 5/3-2.7-35. This report covers state fiscal year 2018 (July 1, 2017 - June 30, 2018) the period hereafter known as FY2018. This report includes many recommendations to address the concerns the OIOJ has identified. Among the most significant are three which go to the heart of how the Department must define its work: it must be trauma-informed, culturally competent and grounded in restorative justice principles, including instituting peace circles as part of the operations at all facilities. There have been some changes to the Department since the close of this reporting period that may have some bearing on the issues described in the report. DJJ is invited to file a response to the report discussing any and all changes after its publication.²

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, the status of any review or investigation undertaken by the Ombudsperson without identifying information concerning the subject of the reports or investigation, and recommendations that the Ombudsperson has relating to systemic issues in the Department of Juvenile Justice’s provision of services and other matters.

The Office of the Independent Juvenile Ombudsperson functions independently within the Department of Juvenile Justice and reports to the Governor. At the time of publication, the Office includes the Independent Juvenile Ombudsperson, Kathleen Bankhead and Deputy Ombudsperson, Karima Douglas.

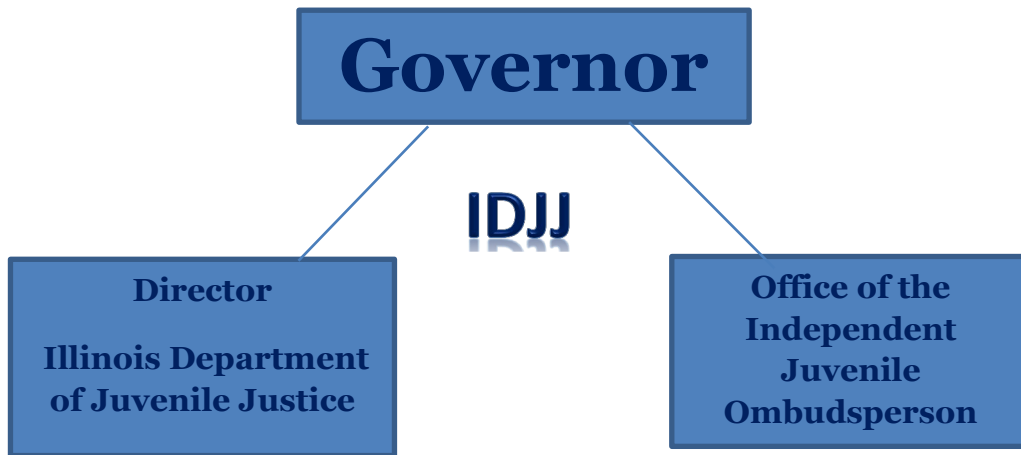
¹ Quoted from an adapted speech excerpt given by Rev. Dr. Patrick T. O’Neill. “How Are the Children?”

² Both this report and Department response are to be posted on the DJJ website: www.illinois.gov/idjj

Office of the Independent Juvenile Ombudsperson

Background

The Office of the Independent Juvenile Ombudsperson was created by statute in the General Assembly in 2014. In 2015, Governor Bruce Rauner appointed the first and only Ombudsperson for the first term ending in February 2017. Kathleen Bankhead continues to serve in that capacity today. The Office of the Independent Juvenile Ombudsperson 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.³ 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.⁴ 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.⁵ The Independent Juvenile Ombudsperson provides an Annual Report summarizing the activities and findings of the Office to the General Assembly and the Governor.⁶



³ 730 ILCS 5/3-2.7-5

⁴ 730 ILCS 5/3-2.7-15

⁵ 730 LCS 5/3-2.7-25 (c)

⁶ 730 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.⁷
- 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.

⁷ 730 ILCS 5/3-2.7-25(c)(1) – (5)

2018 Summary of Activities

Visits and Peace Circles

“In fiscal year 2018, DJJ held, on average each day, 416 youth in five secure facilities... [and] approximately 450 youth on Aftercare.”⁸ The Ombudsperson and Deputy Ombudsperson met confidentially and regularly with youth. There were 85 visits to the five Illinois Youth Centers and 1000 in-person contacts with young people in custody. The goals of these facility visits vary. Sometimes they are one-on-one conversations with young people about their issues or questions or follow-up conversations from prior visits or from phone calls that required more confidentiality. In-person visits could also be first time introductions with youth so that they could meet the Ombudsperson and receive information detailing the role of the Office and the rights of the young person in custody and when they are on aftercare. The Ombudsperson and community volunteers kept or sat in four peace circles with youth and staff at three of the Illinois Youth Centers (IYC) - two at IYC Warrenville, one at IYC St. Charles and one at IYC Chicago. The Ombudsperson also kept one circle each at IYC Harrisburg and IYC Pere Marquette with youth only. Youth and staff responded positively to each circle and administration at each facility invited the Office to continue keeping circles in the future.

Phone calls

Over the course of this fiscal year, the Ombudsperson’s Office received 1203 telephone calls from youth and their family members. Youth at each of the IYCs have access to the Ombudsperson’s Office at any time using Securus phones set up on living units. Youth can dial just four numbers to reach the Office. The calls are free, unmonitored and not recorded to maintain confidentiality. Often, the Ombudsperson’s Office first becomes aware of issues or complaints by phone and follow-up with youth in person.

Presentations

The Ombudsperson and Deputy Ombudsperson presented to two IDJJ Intern Academy classes - once in November 2017 and again in March 2018. The presentations had two focuses. One: to describe the function of the OIJO by walking through the statutory mandate and explain the roles and responsibilities of those in the Office. Two: to discuss with new recruits the significance of their position in the lives of the young people they serve and the potential role restorative justice could play in their new career.

The Deputy Ombudsperson also participated in a week of training in October 2017 to learn important Department policies and practice around searches, disciplinary reports and use of restraints all alongside incoming juvenile justice specialists. Those lessons are invaluable not only for the Office to better assist youth but also to gain some insight into how staff approach their work and how veteran staff counsel their new colleagues.

⁸ DJJ FY2018 Annual Report

The OIJO arranged for IDOC personnel to meet with teens charged and convicted of adult felonies who were residing at IYC St. Charles and IYC Harrisburg. They addressed the youth's concerns and answered questions about prison life. They were somber events, but the young men appreciated the information.

Continuing Education and Community Outreach

In October 2017, the Ombudsperson traveled to San Antonio, TX to attend the annual US Ombudsperson Association Conference. There, she had the opportunity to meet and learn from government Ombudspersons from across the country.

The OIJO continued to participate in the Alternatives to Incarceration group in the Roseland neighborhood of Chicago, Juvenile Justice Leadership Council, the Southland Juvenile Justice Council and the Ombudsperson participated on the IPSSJ Advisory Board at Adler University.

The Ombudsperson promoted awareness of the Office and its purpose at numerous events and group meetings. A few include: Safety in DJJ – Appropriations – Public Safety Committee Hearing, Art on 51st Street, Precious Blood Ministry of Reconciliation, IYC St. Charles Community Mentoring Event, law students at John Marshall School of Law, Northwestern School of Law and DePaul University College of Law, college students at DePaul University, meeting with the pastor and members of United Methodist Church of Geneva, Restorative Justice Hubs leadership, Target Area Development Corporation – CSAC, Associated Colleges of the Midwest, Juvenile Justice Initiative Advisory Board, Chicago Police Training Academy, Anti-Bullying Workshop, supervisory staff at IYC St. Charles.

Additionally, the Ombudsperson and Deputy Ombudsperson regularly attended special programs at Illinois Youth Centers such as the graduation ceremony at IYC St. Charles and Story Catchers performances at IYC Warrenville and IYC Chicago.

Report Methodology

Issues, Inquiries and Complaint Processes

Issues are generally problems or topics of concern for youth wherein they need help seeking a resolution. Inquiries are questions posed by youth that may not rise to the level of a problem but where they need a specific answer or reference. Complaints are formal written memos from the Ombudsperson's Office to the IDJJ Director and Executive Leadership regarding serious issues that were ongoing and could not be resolved informally, presented a systemic problem and/or a complainant requested that a written complaint be filed. Formal complaints were typically investigated by the Office and discussed with DJJ leadership before they issued a written response. When necessary, a few complaints were forwarded to and investigated by external entities.⁹ Most complaints were addressed and resolved in less than 30 days.

Most of the issues reported to the Ombudsperson were addressed informally by referral to Illinois Youth Center administrators or DJJ Executive Staff. This approach generally resulted in prompt resolutions. Youth and/or family members were advised of the responses in person, by letter, email or telephone call.

The OIJO has no authority to order DJJ 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. Finally, the annual report is a tool for the OIJO to reveal complaints of violations of youth rights, unfair practices and systemic issues to the Governor, General Assembly and the public.

⁹ Illinois Department of Corrections, Illinois State Police, Illinois Department of Children and Family Services, etc.

FY2018 Visits

IYC Chicago

Date	Number of Contacts
1. 7/5/2017	7
2. 7/7/2017	8
3. 7/19/2017	3
4. 8/4/2018	10
5. 8/17/2017	2
6. 8/22/2017	9
7. 8/24/2017	2
8. 11/30/2017	9
9. 12/16/2017	5
10. 12/29/2017	1
11. 1/11/2018	2
12. 1/16/2018	16
13. 2/16/2018	7
14. 2/27/2018	6
15. 3/16/2018	4
16. 3/26/2018	6
17. 4/12/2018	4
18. 4/28/2018	3
19. 4/30/2018	11
20. 5/4/2018	8
21. 5/9/2018	3
22. 6/7/2018	10

Total Visits: 22

Total Contacts: 136

IYC Pere Marquette

Date	Number of Contacts
1. 8/3/2017	8
2. 8/31/2017	5
3. 11/29/2017	24
4. 1/31/2018	3
5. 3/15/2018	13
6. 5/30/2018	21
7. 6/29/2018	18

Total Visits: 7

Total Contacts: 92

IYC Warrenville

Date	Number of Contacts
1. 8/22/2017	7
2. 9/22/2017	10
3. 12/15/2017	20
4. 12/19/2017	4
5. 1/12/2018	16
6. 2/28/2018	1
7. 3/2/2018	8
8. 4/16/2018	9
9. 6/12/2018	23

Total Visits: 9

Total Contacts: 98

FY18 Visits

IYC Harrisburg

Date	Number of Contacts
1. 8/2/2017	23
2. 8/30/2017	26
3. 9/26/2017	11
4. 9/27/2017	19
5. 11/28/2017	21
6. 11/29/2017	7
7. 1/29/2018	15
8. 1/30/2018	37
9. 3/14/2018	19
10. 4/26/2018	19
11. 5/31/2018	25
12. 6/28/2018	27

Total Visits: 12

Total Contacts: 249

IYC St. Charles

Date	Number of Contacts
1. 7/3/2017	5
2. 7/15/2017	20
3. 7/18/2017	9
4. 8/8/2018	22
5. 8/10/2018	27
6. 8/14/2017	24
7. 8/24/2017	2
8. 9/5/2017	3
9. 9/14/2017	3
10. 10/24/2017	5
11. 11/20/2017	22
12. 1/9/2018	12
13. 1/10/2018	3
14. 1/19/2018	9
15. 1/24/2018	6
16. 2/1/2018	2
17. 2/8/2018	18
18. 2/21/2018	20
19. 2/22/2018	18
20. 3/6/2018	8
21. 3/20/2018	10
22. 3/27/2018	14
23. 4/4/2018	12
24. 4/10/2018	12
25. 4/13/2018	10
26. 4/23/2018	24
27. 4/24/2018	11
28. 4/25/2018	18
29. 4/29/2018	3
30. 5/2/2018	11
31. 5/19/2018	4
32. 5/21/2018	13
33. 5/23/2018	29
34. 5/25/2018	2
35. 6/1/2018	14

Total Visits: 35

Total Contacts: 425

Spotlight on Top Issues

Alternative Behavior Units

Many complaints from youth arise out of their time spent on Alternative Behavior Units (ABU) at IYC St. Charles and IYC Harrisburg. Youth are placed in ABUs and in alternative behavior programs when they've engaged in serious misconduct or after displaying chronic misbehavior.

IYC Harrisburg

Complaints associated with the ABU at IYC Harrisburg center on two issues: excessive hours in rooms and restricted school participation. Youth are typically assigned to the ABU program for five weeks if all behavior goals are met; but often, that time can extend much longer. Youth can often spend too much time in their rooms isolated from recreation and other programming. Curfews are earlier. Meals are taken in their rooms. Juvenile justice specialists and supervisors may determine that certain youth on the unit pose a safety risk to one another or to staff and adjust the recreation schedule so that certain youth are only allowed out into the day room one at a time. These kinds of decisions often lead to youth only being allowed out for maybe two hours a day- one hour in the morning and one in the afternoon. Most young people prefer to spend their "fun" time with friends, not roaming about a slightly larger room shouting things through closed doors. Additionally, we hear that large muscle exercise at the gym or outside is too often cancelled or postponed due to security reasons or other reasons unclear to youth. Then, when youth are brought for recreation in the dayroom, they may refuse to return to their rooms. Youth explain the reasons why they may refuse to go back to their rooms after their requisite hour. They desire more than an hour in an open space to move around and stretch their legs. Or they believe that they are being treated unfairly. Or, the anticipated schedule is not being followed. Or watch the television up close. Or talk to their friends without shouting down the hall. Or exercise control – however limited – in a space where they have so little control. The limited recreation time causes a ripple effect. A youth's choice to stay out longer than allowed leads to staff keeping other youth in their rooms until the "refusing youth" changes course. These power dynamics increase resentment for everyone involved and do nothing to solve the problem of limited recreation time.

Another common issue with youth in the ABU is school. Youth complain that although they attend school regularly, their experience in school is separate and unequal from the rest of the facility. They report that they are only taught by one instructor in modular classrooms and are not regularly given the kind of individualized help they need. Furthermore, if that teacher has an issue with one of the youth, that youth can be removed from the classroom indefinitely and because that youth is in ABU, there are no alternatives. Youth could effectively be suspended for over a week until that teacher invites them back. That's a difficult position to be in for a youth who already has limited programming.

IYC St. Charles

When youth complain about the ABU program at IYC St. Charles, they primarily bring up two issues: unsanitary facility conditions and excessive hours in room.

The Ombudsperson's Office witnessed terrible facility conditions in the ABU cottages firsthand. The cottages were dark, walls dirty, floors sticky and wet, garbage stacked in corners or in halls, windows broken and paint chipped. Although it's understandable that things wouldn't look perfect at all times,

the conditions for ABU youth were distinct from those of other cottages. There was a general lack of urgent attention paid to making sure that the youth assigned to those cottages were cared for. It appeared that because those youth were being disciplined for misconduct, part of their punishment was being held in poor conditions. This Ombudsperson filed a complaint on behalf of one youth on the unit, miserable and desperate to be moved. He complained that the rooms were freezing and he wasn't given proper blankets to ever get comfortable. He described disgusting walls and ceilings covered in grime and feces. He couldn't sleep and his complaints to staff were ignored.

Late one evening in January 2018, while investigating claims that two youth were left in their rooms for several days without recreation or showers, the Ombudsperson asked to see both youth. A staff member said that one youth could not be removed from his room because he was accused of recently assaulting a staff member. So the Ombudsperson went to the door of the youth accused of committing the staff assault. He stated that in retaliation for his alleged actions, he had been in his room continuously for seven days without a shower or recreation.

As the Ombudsperson approached the door of the other youth's room, the odor of feces was pronounced. Upon gaining access to the room, the odor was overwhelming. The Ombudsperson observed that the walls and doorway were smeared with feces and what appeared to be blood. The room was cold. The mattress had a large hole in it and it was lying on the floor. The young man stated that this was the former room of a more severely mentally ill youth. It was like that when he was put in there. He had been in the room for seven days. He explained that he and other youth on the ABU cut slits in their mattresses in order to use it like a sleeping bag for protection against the cold air. He stated that he was placed in this particular room as retaliation for helping the other youth commit an alleged staff assault. The Ombudsperson immediately called DJJ's Director.

Within minutes of that call ending and the Director's intervention, the young man was moved to a different room; the room was cleaned and clean new mattresses were distributed to the young people on the unit. The Ombudsperson's office made several trips back to IYC St. Charles over the next few weeks to ensure that there was no repeat of those disgusting circumstances.

Those conditions were and are unacceptable for anyone but *especially* kids. This Office asks for all staff to be responsive to the youth in their care, regardless of their behavior and to treat them the way they would want their children to be cared for if they were away from home.

In addition to the conditions of the ABU cottages, youth complain about being forced to spend too much time in their rooms. Youth complained that they were in their rooms all day with the exception of maybe one hour a day. Sometimes the facility would argue that youth were only confined because of staff shortages, but even when the cottage had multiple staff working, youth still complained about lack of recreation. Youth said they were only allowed out for showers and calls to the Ombudsperson's Office. Youth didn't attend school and very rarely saw teachers for lessons on the unit. Youth also complained that staff members assigned to the unit ignored them when they called out demanding attention. One could often hear the youth beating/kicking their doors and screaming out the names of staff for several minutes before they get a response. Between the dark, unsanitary conditions and the almost constant time locked inside a small room, ABU youth, especially those suffering from mental health issues, can feel tortured.

“A traditional jail-like correctional facility model is not suitable for the juvenile population – it makes their problems worse...Youths become more aggressive because they feel threatened and re-traumatized by an adult jail-like environment... Nothing eases feelings of confinement better than ample use of natural light, bright colors, environmental comfort, acoustic control, and feeling of openness and access to fresh air and the outdoors.”¹⁰

RECOMMENDATIONS:

- Implement Restorative Justice Philosophy (RJ) as the primary response to chronic or extremely negative behavior in order to prevent assignment to the Alternative Behavior Unit and while on the ABU, when assignment is absolutely necessary. RJ practices such as peacemaking circles, victim offender mediation; family group conferencing should be used by trained facilitators to address the harm caused by behavior and to build positive relationships among youth and between youth and staff.
- Alternative Behavior Unit programming should be tailored to each individual youth and their behavior. Assignment to the Unit should last no more than one week unless there are documented special circumstances demanding otherwise.
- Youth on the ABU should receive the requisite hours of recreation and large muscle exercise as is required for any other youth in IDJJ custody.
- Youth on the ABU should receive the same access as other residents to education and hygiene.
- Administrators and mental health staff at IYC St. Charles and IYC Harrisburg should visit the ABU at least once daily to meet with JJS staff and the youth there to best determine their treatment and ongoing needs.
- At least three security staff members should be assigned to the ABU at all times to ensure that each youth receives the appropriate amount of recreation and programming even when individual youth must be kept separate from one another.
- Living units should be deep cleaned regularly and painted in brighter, more therapeutic colors to eliminate the dark, dreary environment.

Community-Led Programming

Robust, diverse and relevant programs for youth are sorely missing at IYC St. Charles and IYC Harrisburg. All of the IYCs would benefit from more community-led programs, such as: parenting education and empowerment, nonviolence training, information about trauma, sex and dating relationship education, tutoring, music production, entrepreneurship classes, civics education and voter registration, book/STEM/art clubs, restorative justice philosophy and practices and as many opportunities for programs as there are interests, needs and capacity.

¹⁰ The Future Is Now: Juvenile Rehabilitation in America by Andrew Cupples, DLR Group, Dec 2014

The Illinois Department of Corrections (IDOC) is responsible for criminal background checks and other administrative tasks associated with potential volunteers and other matters relating to community members visiting any of the IYCs. Where there have been attempts to engage community members or programs, IDOC administrative processes, such as slow background checks and other exclusionary rules constrain community member involvement, expertise and programming. This often results in waiting lists for mentoring and tutoring services. It can also result in overwhelming frustration and the potential loss of a community member or program.

IYC Harrisburg had the opportunity to have community members come in to visit with youth who were far from home and rarely, if ever, had family visits. Community members that applied to volunteer there were still awaiting approval over seven months later. Mentors at IYC St. Charles who developed trusting and supportive relationships with youth in custody could not have contact with them after they were released to aftercare. It is while on aftercare that many youth need mentoring support and guidance from trusted adult allies the most. Limitations on approval of otherwise qualified adults with criminal backgrounds prevents youth from learning from those who provide the best proof of the possibility of change and best understanding of the challenges that they must overcome. Ironically, many of those adults live in the communities that the youth come from and to where they will return.

Reliance on rules and processes designed for adults such as those of IDOC is antagonistic to what works with and for teens and young adults.

RECOMMENDATIONS:

- Vet and approve volunteer or contracted community members, groups and programs with the goal of minimizing restrictions while maintaining safety.
- Establish and enforce reasonable (1 month?) timeframes within which IDOC should complete approvals for community member participation in DJJ programming
- Pursue community-based programs and activity providers, including smaller, local agencies and individuals to engage youth in prosocial programs and activities that encourage positive youth development.
- Implement administrative rules and policies for community-led engagement that are appropriate and effective for building positive connections for youth.

DCFS Delayed Placements

Toward the end of the fiscal year, the Ombudsperson's Office received an increasing number of calls from frustrated youth at every IYC complaining that they were approved for release to aftercare but remained in DJJ custody because they did not have a placement. They were almost exclusively youth that are under the guardianship of the Department of Children and Family Services (DCFS). At least one youth had been waiting four months, after refusing another group home or TLP and insisting on return home to his family. He was 17 years old and an exception, as most other youth were willing to accept any placement other than an IYC. The Ombudsperson's office is discussing the individual concerns with DJJ and will keep an eye on this emergent trend.

RECOMMENDATIONS:

- Create a special living unit for youth who are approved for release or could be approved for release but remain in DJJ custody for want of housing. The unit could operate similar to a half-way house or work release program where youth can work on obtaining necessary documentation, such as identification cards, apply for jobs and/or school, go out into the community to work or attend school, visit friends and family, and return to the IYC to eat and sleep.
- Give youth aftercare time credit for the time they spend in custody after they are approved or could have been approved for release.

Family Engagement and Treatment

DJJ aims to partner with youth's parents and families to support them while they're in custody and throughout their transition on aftercare. Young people need to feel connected to the people and communities that love them especially when they are far from home. DJJ can only benefit from more meaningful engagement with families both in facility and on aftercare. Families are the experts in these youth's lives and "families" should be defined in the most expansive terms to include not only parents, but grandparents, aunts, uncles, siblings and cousins. These are the people who know the youth best. Family members are the people most likely to walk through life with these young people so there is no better way to set them up for success than regular calls, visits and therapy.

It's the responsibility of the Department to facilitate those connections whenever and however they can. Youth complain to our Office that they are too often kept from communicating with their loved ones. One major issue is that youth are required to have money placed on their "books" to call out to anyone who is not the Ombudsperson's Office. If that youth's family is poor there is no money for phone accounts, that leaves kids to rely on free calls home provided by their therapist or youth and family specialist that only happen maybe once a week with staff listening in. That's not enough. Phone calls home should be free and unrestricted (within reason). Family can uplift a young person in custody more than anything staff or programming can provide.

Youth also complain about limitations on in-person visits. Although DJJ aims to place youth in facilities that are close to home, youth who are in mandatory programming like JSO treatment, or special mental health treatment can be assigned to facilities up to five hours or more away from family. Travel to visit youth in these facilities is burdensome for loved ones who may have to pay for gas, train or bus fare, time off from work and school, or even an overnight hotel stay. Three of the five IYCs are not accessible by public transportation. Because of lack of accessibility, distance and expense oftentimes those trips just don't happen. Youth can go over a year never seeing their parents or their young children.

If a loved one *can* make a trip to visit, there are other obstacles to worry about. Youth complain that they are denied visits or placed on "no-contact" visit status –a form of discipline for bad behavior. Visits are limited based on individual facility guidelines and behavior level: youth who maintain good behavior can visit with extended family and friends, while others are restricted to just parents and guardians. Some youth complain that they submit visitation lists to administration for approval and have to wait weeks for decisions to be made. While their babies or young children might be approved,

the family or friends who can escort those children to the visit may be denied entry. Parents of committed youth complain that they will travel out to a facility for a visit and denied entry for some technicality or misunderstanding of visitation schedules. Instead of working to try to correct the issue in order to maximize opportunities for contact, families are perfunctorily dismissed with little information or apology. Visits should be encouraged by making the process simple and accommodating. When there is a problem, the Department should work as allies, not adversaries to facilitate the family contact.

Several parents complain that they feel left out of their child's life while they are in custody. They tell the Office that they don't know the plan for their child and don't know where to turn to get answers. The Ombudsperson's Office will hear from parents that they don't understand how to communicate with staff at the facilities. Sometimes the parents speak/understand a language that isn't English and there is no available translator. Sometimes they call the main number and are transferred three to four times before they speak to someone who can help. Sometimes they call and leave countless voicemails never returned. Sometimes their call is disconnected. Sometimes people intentionally hang up on them. Families describe feelings of confusion, frustration and anger that come from knowing that strangers are making decisions about your child and you are locked out of the conversation. Incarceration is an overwhelming experience for youth and families so whenever possible family contact with facility staff and leadership should be a simple process that is open and welcoming.

RECOMMENDATIONS:

- The highest priority for programming in all facilities (and decisions about facility placement) should be positive family engagement, since it is most likely to be the factor which most influences whether a youth is successfully reintegrated into community once he or she leaves the facility.
- Family therapy should start while the youth are in custody and continue after the youth are released to their communities.
- Staff should be courteous to youth and their family members who reach out to them for assistance and should be disciplined following substantiated complaints describing otherwise.
- All calls from family to the facility should be either taken immediately or returned within 24 hours.
- Family members should also be given direct lines of communication to administrators and counselors.
- Phone calls to family should be free to youth and families. Youth should not be further punished and isolated because they can't afford to use the system.
- DJJ should establish JSO treatment and specialized mental health treatment units at each youth center in order to better ensure that youth committed to the Department are assigned to a facility as close to home as possible.

Dietary Concerns

Youth at IYC Warrenville, IYC Pere Marquette and IYC Chicago continue to complain that they do not get enough food and are often hungry. They specified that they are hungry because of small portion sizes, the inability to get second helpings and receiving only two meals on Saturdays and Sundays.

They also stated that commissary limitations on the amount they can spend and the type of items that may be purchased reduce their ability to supplement their diet with food items. Some youth are going to bed hungry.

The OIJO discussed this matter with DJJ executive staff and learned that they follow the state school-based caloric/nutrition guidelines. The Ombudsperson discussed with DJJ Executive Staff the fact that --among other variables-- there are different sized youth with different levels of activity and caloric needs. Additionally, unlike when they are home, they can't "raid the 'fridge' " after school.

RECOMMENDATIONS:

- Establish new criteria for determining the nutritional and caloric intake for youth residing in IYCs.
- Remove commissary restrictions that prevent youth from purchasing food items.

Habitual and Violent Juvenile Offenders

Both the habitual and violent juvenile offender statutes require that if the court finds that the prosecution has proven the elements specified in the statute, it must find that the minor is a Habitual or Violent Juvenile offender, as applicable. Similar to youth with felony convictions, youth with habitual or violent juvenile offender status have determinate sentences. They are committed to DJJ until their 21st birthday and are only eligible for "day for day" credit. "[G]ood conduct credits shall be earned or revoked according to the procedures applicable to the allowance and revocation of good conduct credit for adult prisoners serving determinate sentences for felonies."¹¹

Youth designated as habitual or violent juvenile offenders easily and often lose good conduct credit, but rarely have it restored. They are not eligible for program credit that every other youth (except those adjudicated for murder) receives for successful participation in school, substance abuse treatment programs, anger management courses and other skill building programs and activities. Habitual or Violent Juvenile Offender laws and their draconian guidelines do not improve outcomes for these youth nor enhance public safety.

Among the many harmful consequences of this designation is that younger children (that because of their age are less culpable) have longer stays in DJJ custody.¹² This is contrary to brain science and

¹¹ 705 ILCS 405/5-815;705 ILCS 405/5-820

¹² Teen Brain: Behavior, Problem Solving, and Decision Making: American Academy of Child and Adolescent Psychiatry, No. 95; September 2016

research on the ineffective and negative results of long in-custody stays for young teens.¹³ Moreover, many youth with enhanced statuses, such as habitual and violent offender designations as well as youth with felony convictions and extended jurisdiction juvenile findings, complain that their designations are inequitable and arbitrary. They note that there are numerous youth with non-enhanced delinquency statuses who had committed more offenses and more serious offenses. Indeed, several youth tried as adults had no prior arrest history.

Moreover, youth with habitual or violent juvenile offender status were least likely to benefit from programs and opportunities. Because they can never leave the facility on non-emergency authorized absence or furlough, they cannot attend visitation or funerals for immediate family members. They cannot get the mental health or behavioral health treatment that may only be available at residential treatment facilities. Thus, while they are often the youth with the most needs, because of their status, they are least likely to have their needs met.

Even when some youth mature and their brains develop so they are able to acquire the skills they need to make great strides in improving behavior and normalizing their thinking, regardless of the positive changes in behavior and evidence of good character, they must remain in custody. That is costly, unnecessary, risks regression and inconsistent with the goals and mission of DJJ.

RECOMMENDATIONS:

- Repeal the Habitual Juvenile Offender and Violent Juvenile Offender statutes and develop/support effective programming that reduces the likelihood of repeat offending and to ensure that those who commit serious crimes are prepared to return to their communities as law-abiding members.
- Allow youth with Habitual or Violent Juvenile Offender status to earn ‘day for day’ custody reduction credit as well as program credit in the same manner afforded youth without enhanced status.

JSO Treatment Program

Youth adjudicated delinquent for sexual offenses participate in a treatment program at IYC Harrisburg known as juvenile sexual offender treatment or “JSO” treatment. Youth in JSO treatment complained to the Ombudsperson’s Office about the lack of clarity around successful completion of the program. Because IYC Harrisburg is the only facility housing this specialized treatment, youth who would otherwise be placed at IYC Chicago or IYC St. Charles who are from Chicago, central or northern regions of Illinois are placed at IYC Harrisburg hours away from their family. These youth want to look forward to completing the program for several reasons, one of which is to transfer to a facility closer to home.

While we understand that clinical benchmarks in a treatment program like this one can’t work in absolutes, young people need to understand expectations every step of the way. These youth also need to be connected to people in the communities they are returning to who care about them and support them as they transition from custody into freedom and from childhood into adulthood.

¹³ Study: Long-term Juvenile Incarceration Fails to Decrease Reoffending Rates by Brian Heller de Leon; Center on Juvenile and Criminal Justice, Published: May 3, 2012

One young man spent over a year and a half in custody participating in the JSO treatment program. About a year into his commitment he began requesting a transfer to a Northern facility so he could visit with family. He was under the impression that his treatment was complete but was subsequently told that was a misunderstanding. He wasn't done with the last phase of the program. Over the next six months he regularly requested updates on progress in the program. While clinical staff suggested he was near the end, they couldn't be sure when he would meet all the necessary benchmarks. He seemingly received conflicting information about what "completion" meant. He was told, and we confirmed, that his behavior whether it was fighting or insolence could be used as indicators of his continuing need for treatment even though those behaviors aren't directly connected to sexual offending, the crime which had caused his commitment and his participation in the program. This young man was never transferred to a facility close to home. He didn't receive family visits at IYC Harrisburg and only visited Chicago for the occasional trip to court. When he was finally released to aftercare, he was transferred to an in-patient, JSO treatment program at a residential facility. That facility has ultimate authority over when he successfully "completes" treatment so no one could tell him when he could actually return home.

There is another young man who spent over two years in DJJ custody off and on for a low level offense. The case was first filed when he was just 13 years old. He participated in the JSO treatment program and was told he successfully completed the program and could transfer to a Northern facility to be closer to home. He happily transferred to IYC Chicago to be closer to family in hopes of rebuilding relationships and transitioning home rather than remaining a DCFS ward.

After being approved for release, DCFS struggled with placement. After three months of waiting for placement, it turned out he couldn't go home to his family as he planned because according to treatment staff at IYC Harrisburg he had not completed JSO treatment. On top of that, rather than outpatient treatment in the community, he was told his placement was an in-patient JSO program in a secure facility. He was not done with treatment and wouldn't be for at least six months depending on what that program required. This news was devastating and there was no recourse. He never acclimated to the placement, aged out of DCFS, and went on to an uncertain future. All of the people tasked with helping him succeed-- the juvenile court system, DJJ, DCFS, the Ombudsperson's Office-- failed to support him. All failed to put him on a path that catered to his strengths and his needs. We failed to wrap around him and keep him safe.

RECOMMENDATIONS:

- Youth in JSO treatment need clearly defined short and long term goals and regular updates on their progress that are clearly defined from intake into aftercare.
- Youth who require JSO treatment should be considered for authorized absence to a specialized residential treatment center upon intake. This should limit the possibility of youth spending months in treatment in DJJ custody only to duplicate those efforts when they are "released" to locked, community-based treatment for several more months on aftercare.

Substance Abuse Treatment Program

Generally all youth committed to DJJ are required to participate in the Substance Abuse Treatment Program (SATP). The Department points to research showing that participation in such a treatment

program could reduce recidivism. While the Ombudsperson's Office values the goals of the program, we receive numerous complaints from youth about two related issues: the lack of due process in terminations from the program and placement in the program leading to delayed releases.

Termination/Suspension from Programming

The SATP is an estimated 90 day program organized into four phases. Each phase carries certain treatment and behavior goals that must be met before transitioning to the next one. A young person can't successfully complete the program if his or her behavior is deemed unacceptable by both treatment staff and security staff on the treatment units. Three of the five IYC's require that youth participating in the SA program live in a single living unit- IYC St. Charles, IYC Harrisburg, and IYC Chicago. This requirement poses a few issues. Youth complained that because they didn't get along with staff or other youth on the unit, they stayed weeks longer than necessary to meet the other substantive goals. Effectively, these behavior requirements have allowed security staff to dictate progress in the program regardless of how much youth are responding to the material or the likelihood of them abusing drugs or alcohol in the future.

Behavior does not just slow down progress, it could halt it completely. Youth complained to the Office that they were terminated from the SATP without due process. Youth do participate in staffings and receive termination warnings as well as formal termination notices detailing the reasons for their termination and the requirements for reinstatement. Although those conversations and documents provide notice, youth aren't always given meaningful opportunity to dispute allegations of misbehavior they've been accused of. When disciplinary reports-- known as "tickets"-- are issued to youth for alleged misbehavior that could lead to increased time in custody, facilities are required to conduct administrative review hearings. Those hearings are meant to include unbiased reviewers of facts and policies while giving accused youth the opportunity to bring in witnesses and tell their side of the story. While that process isn't perfect, it does give youth some procedural fairness. Successful completion of the program is required for release which makes terminations based on alleged incidents of misconduct too significant to be decided without more due process.

Two youth at IYC Chicago complained to our office that they were removed from the program for two weeks for bullying and aggression towards other youth. They were removed from their living unit and placed on an alternative behavior wing for two weeks. Counterintuitively, both youth were on the highest behavior level with no disciplinary reports against them which meant no record of administrative review hearings. The only evidence of misbehavior was a list of incidents on the termination notice from the treatment staff. If the youth don't trust those staff, dispute the staff's portrayal of events or could reasonably justify their actions if given the opportunity- they are sidelined without recourse to a due process procedure. The OIJO's requests for reinstatement on behalf of those youth were never successful. The current process leaves some youth distrustful of the system and resentful towards the treatment program.

Release Delays

A young person's initial assignment to the program is primarily dictated by his or her target release date (TRD). Because the program lasts about 90 days and the Department wants youth to be in treatment just prior to reentering community, each facility aims to place youth in the program about three months before they would be slated for a release review. All youth are incentivized towards consistent good

behavior with “cut time” or days shaved off their commitment. Cut time can reduce a young person’s time by 50% and sometimes the facility is delayed in adjusting its programming schedule to fit a dynamic TRD. Based on available bed space or restrictions on the numbers of youth allowed to participate in the Substance Abuse Treatment Program at any given time, youth can also be placed on long waiting lists before being called up to move. Youth at each of the facilities, with the exception of IYC Pere Marquette, complain that they are assigned to the SATP so late in their commitment period that their potential release is delayed.

The successful completion of the substance abuse treatment program comes with an automatic release review. Unfortunately, because of the placement of the program at the end of the commitment period and other delays, youth rarely get to take full advantage of that incentive. In fact, many youth are denied release pending completion of the program and subsequently continued until that completion date. Research demonstrates that these young people thrive on consistency. They cling tightly to their target release date and work hard to be released from custody as soon as possible. Deviation from the promises presumed in their TRD and program credit guidelines leads to frustration and distrust. The goals of the SATP are too important to be seen as an obligatory barrier to release rather than a tool for success in the future.

RECOMMENDATIONS:

- While treatment staff should have the most authority to run their program how they see fit, they should still act aligned with the cohesive, strength-based, rehabilitative mission of the Department.
- Youth must be afforded the opportunity for unbiased review of decisions that affect their participation in the SATP through hearings conducted by a team of objective staff and that includes youth and their witnesses.
- Program suspensions should last no more than one week.
- The SATP should no longer be tethered to specific housing units but should be tailored to the needs of the youth participating at any given time.
- Reorganize the SATP process so that it starts when the youth arrive at a facility and is carried out throughout their commitment regardless of a youth’s target release date.

Legal Services

Youth in DJJ custody need access to legal advice while in custody. Youth have numerous legal concerns related to their prosecutions and appeal rights, status as juvenile offenders, injuries while in DJJ custody and other matters requiring legal advice. They often need to contact former or current attorneys or seek new legal representation.

Many of the attempts to reach attorneys were related to presentence credit, appeal rights or status, and personal injury concerns. Several youth complained that they were not allowed free phone calls to contact their former or current lawyer or seek new legal representation. Often youth are apprehensive about writing letters because they lack writing skills, fear their mail will be read by staff or do not trust that the letters will be mailed on their behalf.

When investigating youth concerns, the OIJO was advised that in order to call an attorney, the youth must have proof that the attorney currently represents the youth. Youth report that they are told that their legal representative must call them. This was especially an issue at IYC Harrisburg and to a lesser extent, IYC St. Charles.

Several youth requested information about filing an appeal of their juvenile adjudication or adult conviction. Others sought information about a pending appeal. Most often the requested assistance related to receiving proper presentence credit.

The OIJO reached out to former and current lawyers on behalf of youth on every occasion that they were denied access by DJJ. At least one youth was inappropriately required to register as a sex offender. The youth was prohibited from contacting his lawyer. The Ombudsperson contacted the lawyer and acted as an intermediary for their communication. He was removed from the registry. While this method was effective it was not efficient.

RECOMMENDATIONS:

- Post telephone numbers to local bar associations and legal aid offices in the living units of the IYCs.
- Provide youth with free, confidential telephone calls to current attorneys and to seek legal representation, including the Office of the State Appellate Defender.
- Provide for the automatic filing of appeals for minors with extraordinary circumstances i.e. Violent or Habitual Offender findings, EJJ findings, transfer to adult court, findings or convictions arising out of behavior while in DJJ custody such as Aggravated Battery to a Peace Officer.

Lockdown at IYC St. Charles

In late April 2018 youth from one living unit ran out of that unit to attack the youth from a nearby unit who were walking outside. One Juvenile Justice Specialist was injured when he was hit in the back of the head with a large stick. No youth were seriously injured but there was chaos for a few hours. Staff used both physical and chemical intervention (OC - pepper spray) to eventually secure all youth on their appropriate living units. The Ombudsperson's Office was formally notified of the critical incident that evening and told that IYC St. Charles was placed on "lockdown" until further notice.

Lockdown included a facility-wide search for weapons, potential weapons and other contraband. Youth were also to be confined to their living unit 24 hours a day, and most youth were confined to their rooms. Total lockdown throughout the facility lasted about four days, and for the two living units directly involved in the incident, total lockdown lasted almost two weeks. For most units, even when total lockdown ended, they were still subject to a partial lockdown protocol for close to two weeks. That meant little to no time outside, reduced hours in school and meals taken on the unit rather than the cafeteria.

The Ombudsperson's Office visited IYC St. Charles for three consecutive days during the lockdown and spoke to every youth who chose to talk. Almost universally, the youth complained about being in their rooms for too long. The youth who were not involved in the incident complained about the unfairness of being punished for actions they had no part in. They felt frustrated because the front line staff and the facility administration failed to clearly explain to them what was going on and why they had to

suffer because of the actions of a few youth. Conversely, many staff members reported that they thought the lockdown was a good idea because they felt safer and more in control of the facility. The disparity between the perspectives of the youth and the staff during the lockdown is indicative of a broader rift between the two groups. The lockdown was reminiscent of the punitive Department of Corrections model developed with adults and prisons in mind, rather than the rehabilitative and restorative model the Department of Juvenile Justice strives to implement in its youth centers.

RECOMMENDATIONS:

- In the event of similar critical incidents where lockdown may be appropriate, it should be narrowly applied and consistent with PBIS youth who acted appropriately should be rewarded in order to incentivize future positive choices.
- 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.
- Any future lockdown should last only as long as it takes to account for all youth in the facility and to complete a facility-wide search for weapons and contraband.

Peer Conflict at IYC Warrenville

IYC Warrenville is a smaller facility that typically houses 30 or fewer youth. It is the only IDJJ facility that is co-ed, housing both young men and women. Generally, youth report that the Superintendent and staff care about them and respond to their concerns. Likely as a result, the Ombudsperson's Office does not receive many calls with complaints or inquiries but there are two issues that generate the most complaints: peer conflict and restricted school as punishment.

Most of the calls from IYC Warrenville come from the young women and arise out of interpersonal conflict with other young women. When the girls don't get along, tensions rise quickly, lines are drawn and sides are taken. "Loyalty" is of the utmost importance and understandably, once those sides are taken, youth on opposing sides want nothing to do with each other. The Ombudsperson's Office is often called by those who wish to complain about those issues. Girls complain that they don't feel safe around other girls on their unit and they want to be moved to a unit with girls they get along with. Bullying, both physical and emotional is a constant issue. The Ombudsperson's Office always refers these requests for unit transfers to the facility administration but they are often denied. There are only so many living units and, the youth don't always get to choose the unit where they feel safest or most comfortable. The administrators often facilitate mediations among their girls or between the youth and staff, but they don't always yield positive outcomes.

At the request of the IYC Warrenville administrators, the Ombudsperson's Office brought in a community co-keeper to keep circles with the young women in December 2017 and January 2018. The girls, most of who never heard of restorative justice, genuinely committed to the process. By all accounts, the circles were a success. After each hour and a half session, everyone didn't leave best friends, but some walls were chipped away and the girls who participated got to know each other

outside of the day to day conflicts. OIJO complaints about peer conflict, safety issues and requests for unit transfers went down.

RECOMMENDATIONS:

- Utilize restorative justice peacemaking circles as a means to resolving conflicts between youth. Peace circles require all parties to be seated together as equals so there are no mediators or facilitators but rather a community coming together for the common good. Peace circles will also allow for youth who are in conflict with one another to bring friends into the circle that they do feel safe around so they don't enter the process feeling alone.
- Invite women from the community who are experienced in conflict resolution circles to keep those circles at IYC Warrenville to address more complicated issues that may be rooted in aggression or past harms.
- DJJ should continue to embrace restorative justice as a holistic, Department-wide philosophy and support all staff members to be trained as circle keepers. If this happens, this Office is hopeful that the frequency of conflict will dissipate and when issues do arise, that the facility community will address them in the best way possible.

Pipeline to Prison

The Ombudsperson's Office learned in FY 2017 that individual staff at IYC Harrisburg were circumventing DJJ leadership decisions and seeking criminal and juvenile charges in Saline County against certain youth at IYC Harrisburg who were accused of staff assaults. The apparent Saline County relationships between some staff members at IYC Harrisburg and those in the court system and seeming lack of robust defense was also a concern.

The Ombudsperson's Office notified the governor's office, DJJ leadership and reached out for expert advice from the Office of the State Appellate Defender, the Illinois Juvenile Defender Resource Center, ACLU, John Howard Association, Cook County Public Defender's Office, Illinois Justice Project, law firms, community advocates in Chicago and downstate seeking lawyers to represent youth with pending charges and appellate options for those who were already in prison. Shortly after the Illinois Juvenile Justice Initiative's Advisory Board received information regarding the charges against youth at IYC Harrisburg, the Illinois State Bar Association provided a grant to offset the costs of any attorney who would represent youth pro bono. The Moran Center in Evanston, IL added their expertise and administered the grant. However, conversations are ongoing about appellate representation for youth.

Despite communication with and between DJJ leadership, union leadership, the Saline County State's Attorney, complaints by the Ombudsperson's Office, motions by the ACLU, a visit by the federal court judge who is monitoring the consent decree, pleas from parents and community members, the railroading of African American teens into downstate prisons continues. The pipeline from IYC Harrisburg to prison remains intact and intractable.

The Ombudsperson's Office learned that there were at least four youth from IYC Harrisburg prosecuted as adults in the fall of 2015: two were white and two were African American. All four were sentenced to prison. Since January 1, 2016 charges of Aggravated Battery to a Peace Officer were sought in juvenile and criminal court by individual staff members against thirty-eight (38) teenagers from IYC Harrisburg, thirty-six (36) were African American. The charges against both white youth were dismissed and not prosecuted. Charges were dropped or prosecutions declined for only eight of the African American youth. Another eight African American teenagers were sentenced to the Department of Corrections for sentences ranging from three years to eight years in prison. These prosecutions were in spite of administrative consequences that included custody extensions.

With the exception of one case, all of the charges alleged that the battery was "of an insulting or provoking nature." They did not allege great bodily harm, disfigurement or disability. In the case that alleged a serious injury, the older, female staff member attempted to break up a fight between two boys. She was incidentally punched or pushed down and injured her knees. The accused youth was the victim of an Aggravated Battery by another youth and had previously been in the special treatment mental health cottage at IYC St. Charles.

These prosecutions are not about injuries to staff, holding youth accountable or deterring aggressive behavior. The staff members, through the union, have made it clear that they are filing charges against these troubled and often mentally ill teens in rebellion against DJJ leadership because of reforms precipitated by research and the consent decree, especially involving the use of confinement. Apparently, the union targets certain African American youth, and they become the whipping boys.

It was reported in a June 18, 2018 Southern Illinoisan newspaper article that the union leader at IYC Harrisburg stated '...these decisions have been made out of a lack of administrative action. He said if IYC higher-ups actually disciplined youth for infractions internally, [the prosecutor] wouldn't take the cases.'

Despite the union's protestations to the contrary, youth receive internal consequences for "staff assaults" which always includes extended time in DJJ custody.¹⁴ Clearly, the staff members are not satisfied with the severity of punishment, reject the research and evidence on effective discipline and reject DJJ reforms.

During FY2018 there was a decrease in the proliferation of charges prompted by individual staff members. However, even one prosecution is too many, if it is unfair.

Working with difficult teens is a difficult job. There are highs and lows. The ultimate goal of the work is to enhance public safety and facility safety by providing the guidance and resources that give these young people the tools they need to return to their neighborhoods more law abiding than when they entered DJJ. These youngsters, like all youngsters, need the positive influence of caring adults. Using them to advance an agenda detrimental to their behavioral progress and public safety is callous and exploitative.

¹⁴ The OIJO does not believe that custody extensions are the most effective or appropriate response to this behavior and recommends restorative justice practices to address most negative or harmful behavior.

RECOMMENDATIONS:

- Charges brought against youth for behavior that occurs during their commitment to DJJ should be reported to the OIJO as a critical incident.
- After a fair assessment of the context that led to the behavior of the youth and type of injury to the staff member, there should be serious consideration of pardons for youth that are charged with Aggravated Battery to Peace Officer by individual staff members.
- 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.
- Staff members that remain at IYC Harrisburg who do not believe in DJJ's mission and are not interested in implementing reforms with fidelity should consider a different line of work or a different place to work. Perhaps this may be accomplished through future contract negotiations that should include discussions about how to make sure that staff members employed by the DJJ who do not believe in DJJ's rehabilitative mission and refuse to implement it can be objectively assessed and be subject to transfer to DOC or dismissal.
- There should be automatic appeals for youth convicted of Aggravated Battery to a Peace Officer and other offenses while in DJJ custody.

Staff Behavior

Youth at every facility sometime complain about how they are treated by staff members. Generally, the complaints allege that their needs are ignored, that staff members don't follow the activities schedule and that staff members treat them with disrespect.

Excessive force and lack of provable accountability remain issues at the two largest IYCs. Even though there are fewer complaints about excessive force at IYC Harrisburg than last year, complaints persist. A few youth suffered substantial injuries at both IYC Harrisburg and IYC St. Charles.

IYC Harrisburg

At IYC Harrisburg, youth claimed they were punched, jabbed with keys, choked, handcuffed too tightly and hurt in other aggressive interactions with JJS and JJSS staff. Occasionally, youth experience extreme injuries.

In one instance a young man's finger tips were severed when a staff member slammed the youth's "chuck hole" door. Other youth stated that they yelled, kicked doors and eventually flooded the unit in order to get JJS staff to respond to the injured youth's screams. The OIJO reported the serious injury to the Director of DJJ (Director) and the Governor's Office. After determining the incident may have been criminal in nature the OIJO did not investigate the incident.¹⁵ The matter was referred to the Department of Illinois State Police. The investigation is pending.

Numerous other injuries were observed: black eyes, ligature-type marks on wrists and necks, sprained legs, and bruises. On a few occasions, written reports from the health center failed to corroborate injuries.

Some youth complained that staff members used verbally abusive language, including cursing, insulting and racially derogatory name calling. There were several complaints that staff members performed

¹⁵ 730 ILCS 5/3-2.7-25(d)

retaliatory searches, or performed routine searches, and in retaliation would remove youth's personal property, including photographs, family letters, personal writings and privileged mail.

The youth's assertions are almost always unsubstantiated because there is rarely proof beyond doubt. The incidents are alleged to occur in their rooms and other areas where video surveillance is nonexistent or poor quality. The allegations typically arise out of staff intervention in fights between youth, refusal to return to their rooms or other behaviors for which staff members physically intervene. When there is evidence of an injury, staff members usually assert that the injury occurred during a fight with other youth, was incidental to the physical intervention or was accidental.

A few parents complained that they called to speak with administrative staff, but rather than transferring the call to administration, staff members spoke to them disrespectfully, and on more than one occasion the call was disconnected. These allegations could not be verified. A few parents also complained that after traveling long distances to visit their children, they were unexpectedly denied contact. Investigations into the allegations revealed in both situations there were zero no-contact directives.

When there is evidence of excessive force or other staff misconduct, internal administrative consequences are imposed. When the behavior rises to the level of a potential criminal offense or violation of the State Officials and Employees Ethics Act, it is not investigated by the OIJO. The matter is referred to the Illinois State Police Department or the Governor's Executive Inspector General.

The Ombudsman learned that staff member(s) breached the confidentiality requirements attached to juvenile records when this ethical breach was revealed in a southern Illinois newspaper article. Illinois law dictates that the master file records of youth are confidential. ¹⁶ Concomitantly, as set forth in a DJJ Administrative Directive, "Employees shall respect the confidentiality of information and are prohibited from accessing or disclosing ...youth records..."¹⁷ Confidentiality is a hallmark of children's involvement in the juvenile justice system at all levels.¹⁸

After determining that the staff members may have violated confidentiality requirements and abused their authority the OIJO referred the matter to the Executive Inspector General's Office (EIO). The EIO responded that the matter was referred to DJJ.

In very rare situations, criminal charges are sought for serious excessive force. However, the Ombudsperson's office learned that the Saline County State's Attorney's Office decided against prosecution of adult staff members.

After noting that a few older staff members retired, the OIJO started to observe more staff diversity and more positive interactions between youth and JJS staff members toward the end of the fiscal year. There was a sense that the retributive culture was waning. There were fewer complaints about staff conduct. Hopefully, this is a trend that will continue.

IYC St. Charles

At IYC St. Charles, allegations of excessive force involving Oleoresin Capsicum spray (OC-pepper spray) and handcuffing too tightly were the primary complaints. Several injuries were noted: skin irritation, burns, and ligature marks on wrists. There were at least two very serious injuries to youth.

¹⁶ See 730 ILCS 5/3-5-1(b).

¹⁷ in IDJJ Administrative Directive 03.02.108(II)(G)(1)(g)

¹⁸ 705 ILCS 405/1-7, 1-8, 5-901, 5-905 and 5-910.

Coincidentally, a young man was injured at school when a staff member slammed a door on his hand and severed his fingertips. The Director and Governor's Office were notified and the incident was referred for investigation. The investigation is pending.

In another incident, a youth on the special treatment unit put his hands in his pants in order to resist handcuffing. He suffered a spiral fracture as a result of staff member's attempts to handcuff him. The alleged abuse was referred to DCFS. They declined to make a report because "the youth was resisting."

Young men complained that staff members were disrespectful. They claimed that some staff members regularly cursed at them and used demeaning language. They also indicated schedules for recreation were not followed, and they were often confined in their rooms, including meal times. Generally, youth expressed a sense of arbitrariness in staff behavior that created a chaotic environment.

As an example of the sometime unpredictable decision making, one young man who maintained "honors level" behavior earned a four year scholarship to college or vocational school because of his academic excellence. He was the master of ceremony at the large graduation ceremony at Samuel Sublett High School inside of IYC St. Charles. He was already participating in the Lakeland College Horticulture curriculum and expected to be admitted as an on campus student upon his release to aftercare. He appeared to be highly regarded by youth and staff alike. He expressed his desire to complete his sentence in DJJ. Inexplicably, shortly after his 18th birthday, he was transferred to DOC even though he had less than six months to serve on his sentence.

DJJ addressed the concern regarding burden of proof for assessing credibility by implementing when the only evidence was the statements of staff and youth. Nonetheless, most often youth allegations were not substantiated because of the lack of conclusive evidence such as audio and video.

RECOMMENDATIONS:

- Install high quality video and audio equipment and eliminate blind spots.
- Require that staff use camcorders to videotape and audio record interactions between youth and staff that occur in youths' rooms.
- Require escort staff and Juvenile Justice Specialist Supervisors who respond to crisis situations to wear body cameras with audio.
- The School District approved several staff members for Restorative Justice Peacemaking Circle Keeper training. Those staff members should begin keeping conflict circles immediately to resolve allegations of youth and staff misconduct. Circle keepers should be guided and coached by experienced circle keepers until they are proficient.
- Train staff members at every IYC on Restorative Justice Philosophy and provide Restorative Justice Peacemaking Circle Keeper training for appropriately identified staff and youth.
- Regularly scheduled peacemaking circles should occur to build/maintain/restore youth to youth, youth to staff and staff to staff positive relationships.
- 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.

Teens of Tender Years

A matter of great concern to the Ombudsperson's office is the delivery of services and length of incarceration for very young teens that is contrary to extensive and credible research on the topic. Research specifies that incarceration puts these young teens on a path to repeated incarceration that reduces their chances of living successful adult lives, weakens their families and puts the public at greater risk. ¹⁹ Because they are so young, they may have a good chance of recovering from their childish, bad behavior and the impact of incarceration *if* the correct decisions are made about how to help them. ²⁰

There are several thirteen and fourteen year olds in DJJ custody. Because most of the thirteen and fourteen year olds are committed to DJJ from central and downstate counties, they were living at IYC Harrisburg, which is the most prison-like and least nurturing facility in DJJ's IYC System. The youngsters are too far from their families and rarely get visits. They are relegated at their young ages to speak with their parents only by telephone and only once a month if they do not have money for expensive Securus phone calls. They are too young and immature to gain any social or educational benefit from their incarceration. Research reveals that if nothing were done to curb their delinquent behavior more youngsters would age out of offending behavior than if incarcerated.

Many of the young teens receive numerous tickets for age appropriate acting out. However, the consequences do not differ from those for older teens. Extending the youth's time in custody is a popular sanction, yet a totally ineffective consequence for correcting the behavior of these children. Most of these middle schoolers are short or skinny or both. However, when they rebel physically against staff members, they receive substantial custody extensions in administrative proceedings. Some are charged with Aggravated Battery to a Peace Officer in Saline County and then committed to DJJ (while still in custody) which standing alone and in combination with administrative consequences extends their custody by a year or more.

One child was committed to DJJ three months after his thirteenth birthday for an act that would be a class 4 offense if committed by an adult. He spent several months in DJJ custody and was released to aftercare. He was returned to DJJ for a *technical* aftercare violation after only 41 days at home with his parents. Other than those 41 days at home, he has been in DJJ custody for 18 months and continuously for the past 14 months.

He made several complaints to the Ombudsperson's office: physical abuse by staff. regularly kept in his room, did not get regular recreation, had his food dropped through the chuck hole onto the floor of his room, did not regularly attend full-day school and was spoken to in disrespectful and racist language. None of his complaints was substantiated because of a lack of video, audio or other proof.

¹⁹ Dizikes, Peter (2015) Study: Juvenile incarceration yields less schooling, more crime: MIT News Office. <http://news.mit.edu/2015/juvenile-incarceration-less-schooling-more-crime-0610>.

²⁰ McCarthy, P., Schiraldi, V., & Shark, M. (2016). The future of youth justice: A community-based alternative to the youth prison model (NCJ 250142). Washington, DC: U.S. Department of Justice, National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>.

National Center for Mental Health and Juvenile Justice. (2016). Strengthening our future: Key elements to developing a trauma-informed juvenile justice diversion program for youth with behavioral health conditions. Delmar, NY: Author. <https://www.ncmhjj.com/wp-content/uploads/2016/01/traumadoc012216-reduced-003.pdf>.

Greenwood, P. (2008). Prevention and intervention programs for juvenile offenders. *The Future of Children*, 18(2), 185–10. <https://files.eric.ed.gov/fulltext/EJ815085.pdf>.

Henggeler, S. W., & Schoenwald, S. K. (2011). Evidence-based interventions for juvenile offenders and juvenile justice policies that support them. *Social Policy Report*, 25(1), 3–20.

Subsequently, he was charged in Saline County Juvenile Court with four separate acts of Aggravated Battery to a Peace Officer. The combination of administrative consequences and sentence calculation extended his release date to December 2019. If he remains in custody until then, he will be 16 years old before he is released and will still be under DJJ aftercare supervision. *Remember, he was originally committed to DJJ for an offense that would be a class 4 felony if committed by an adult.*

It appears that DJJ leadership hesitates to make release decisions for young teens that are consistent with Illinois law, common sense and well settled research on brain science and more effective models for better outcomes. Therefore, young teens spend more time in DJJ custody and under its supervision than is necessary or productive.

The Ombudsperson's Office recommended that DJJ release him and a specific group of other youth who were committed to DJJ as young teens to their families. These teens have spent substantial time in DJJ custody. Family support such as MST, counseling or other community-based assistance while on aftercare is recommended to improve the likelihood of successfully reintegrating these youngsters into families from which they have been absent for so long. DJJ leadership determined that none of the youth would be immediately released. However, they expressed that they would consider each youth for release earlier than his target release date.

Illinois is one of the states that passed laws over the last several years in an attempt to provide policy guidelines so that the practice of incarcerating youth is consistent with the social and scientific data. Unfortunately, no law addresses the problem of very young teens committed to DJJ. Too often entrenched practices are out of step with research-based policy reform attempts. This results in too many youth with continuing commitments to DJJ both in custody and on aftercare for too long and most often to their detriment and increased public safety risk. Youth are enmeshed in DJJ for unreasonably long periods based on both the committing offense and often immature but developmentally predictable behavior.

RECOMMENDATIONS:

- Enact a statutory amendment that prohibits commitment of 13 and 14 year old minors to DJJ in the absence of new statutory change.
- Develop a policy and practice of immediately releasing 13 and 14 year olds to aftercare with in-home wrap around services such as Family Functional Therapy, Multi-Systemic Therapy and other services and supports.
- Develop a policy and practice of immediately placing 13 and 14 year old minors who need additional services and skill building on authorized absence or furlough and transferring them to appropriate residential treatment placements.
- Create a uniquely designed living unit at IYC Warrenville or in the community with staffing and programming designed for teens of tender years who cannot immediately return home or transfer to a residential treatment placement.

Mental Health

The Department of Juvenile Justice does not adequately treat youth who have serious or severe mental health/behavioral health needs. Some youth with serious diagnosed and undiagnosed mental health needs are not accurately assessed. Many are improperly reassessed and do not receive appropriate or adequate treatment for their mental illnesses. DJJ mental health treatment is not trauma based; it does not promote healthy adolescent development and is not culturally sensitive. This failure disproportionately affects its largest segment of youth, African American teens.

Seriously Mentally Ill Youth

When local county judges commit seriously mentally ill youth to DJJ, most of the youth reside in one of the special treatment cottages at IYC St. Charles. Adams Cottage is for older youth. Lincoln cottage is for younger youth. Unfortunately, DJJ mental health and Juvenile Justice Specialist staff are ill equipped to effectively treat all of the youth with the most serious mental illnesses. Typically, after spending several months in custody at IYC St. Charles, some seriously mentally ill youth are placed on authorized absence or aftercare and transferred to more appropriate residential treatment facilities. Proportionally, white youth are more likely to go to those placements.

Regrettably, too many diagnosed and undiagnosed mentally ill youth with substantial behavior issues remain in Illinois Youth Centers and do not get the therapeutic help that they need. Some of them are placed in special treatment but often removed months later and placed in non-specialized cottages. Others are never placed in special treatment and spend their time in custody without the benefit of intensive therapeutic treatment. When finally released to aftercare, these youth ordinarily go back home rather than residential treatment and often leave without connection to community-based mental health treatment. In these instances, the youth are more likely to be African American.

Despite the best efforts of the staff and notwithstanding race, DJJs inability to serve the needs of the neediest mentally ill youth is unhealthy and unsafe. Without proper treatment these youth are likely to self-harm and/or harm others.

In February 2018, The Ombudsperson's office filed a formal complaint recommending that DJJ, in consultation with experts in the field, find or create an appropriate mental health and behavioral health treatment program, including the possibility of community-based alternatives for youth with serious mentally ill and chronic problematic behavior. Redeploy Illinois can be accessed by any county, whether or not it is a regular program site, for these purposes.

In part, the complaint was prompted by the concerns of two young men with serious to severe mental illnesses that were removed from the special treatment cottages because of their behavior. After spending substantial time in Taylor Cottage and Pierce Cottage, which were used as the alternative behavior units, they were permanently placed in Taylor Cottage and/or in the Infirmary. Both self-harmed and harmed others because of lack of effective treatment.

Taylor is used for short term behavior issues (a few hours or days), and Pierce is for a longer term behavior modification program (usually up to two weeks). Pierce Cottage is stark. Taylor Cottage is a bleak and deleterious environment.

Both of their experiences on the behavior units were marked by an absence of education services, diminished mental health services, excessive hours spent in their rooms (sometimes without showers), minimal large muscle exercise, and very little social interaction or normal recreational opportunities with other youth.

The more severely mentally ill teen was committed to DJJ for a nonviolent offense. For more than a year he alternated between the ABU in Taylor Cottage and the Infirmary. His mental health deteriorated. He suffered numerous self-harming episodes, including cutting himself and blood and feces-smearing behavior. He was accused of a serious staff assault and charged with Aggravated Battery to a Peace Officer in Kane County criminal court. That case is pending.

Likewise, the other teen with serious mental illness was at IYC St. Charles for a little more than sixteen months. He was transferred on numerous occasions between the special treatment cottages, non-specialized cottages and the behavior unit on Taylor Cottage. During the six months that he spent continuously in Taylor Cottage, his mental health deteriorated. He exhibited self-harming behavior,

feces smearing and aggression toward staff members. Subsequently, he was placed on authorized absence and transferred to a specialized residential mental health treatment program that DJJ expressly contracted to meet his needs and a step toward a residential program created for DJJ youth with similar needs.

Inadequate Treatment for African American Youth

Ample research over many years informs us that “trauma history is ubiquitous in this [juvenile justice] population.”²¹ However, because DJJ is neither trauma centered nor culturally competent, African American youth, in particular, receive mental health assessments that indicate a lower level of mental health need, despite their trauma history.²²

Moreover, even for youth with diagnoses that indicate serious mental illness, when deemed too aggressive or too intimidating, they are excluded from special treatment units or removed from them and placed in general living units. They are assessed and reassessed seemingly without regard to their actual level of mental health or behavioral health needs. They receive no intensive therapeutic follow up, and almost without exception, their negative behavior skyrockets.

When these young people act out in predictable ways, they are treated with punishment. The consequences, usually including extended time in custody ignore their needs and exacerbate their trauma. These African American youth exist with little to no hope for the mental health treatment and trauma care they need while in DJJ custody or on aftercare, or once discharged in the community. For too many of these youth with improper assessments and unaddressed mental health needs, DJJ is a direct pipeline to prison or additional findings of juvenile delinquency.

Punishment over Treatment for African American Youth: An Example

The story of a young man currently facing serious criminal charges in the community exemplifies the concerns of the Ombudsperson’s Office related to mental health assessments and treatment for African American youth. The research forecasted and the evidence suggested that his behavior at best would get no better and, at worst, would become far worse.

As a child and young teen he had several psychiatric hospitalizations. The history of his traumatic experiences was well documented. Numerous juvenile justice professionals (police, prosecutors, judges, probation officers) touched this young man’s life without positive effective intervention before his initial commitment to DJJ.

The symptoms of his mental illness were unsympathetically declared “bad behavior.” Instead of mental health treatment in the community or placement in a therapeutic setting, he was committed to the harsh environment of IYC Kewanee for a non-violent offense that would have been a class 4 offense if committed by an adult. He was committed just over a month after his 15th birthday. Thus began a four-year odyssey of increasingly serious charges, custody, release and discharge that started with months of cycling between crisis care and confinement at IYC Kewanee.

²¹Even though African-American youth make up the largest population of DJJ youth, they remain marginalized as is true in the larger society. Perhaps because of the endemic marginalization and resultant adaptability of African American youth, mental illness may show up differently in this population. Therefore, mental health providers should be especially careful to make sure that they are culturally competent to assess and treat these youth.

²² <http://www.childtrauma.com/publications/books/trauma-juvenile-delinquency/>. <https://njdc.info/wp-content/uploads/2014/08/Becker-Kerig-PTSD-Symptoms-Delinquency-Among-Detained-Boys-2011.pdf>. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3834597/>. <https://www.ncmhjj.com/topics/trauma/>. <https://www.ojjdp.gov/pubs/239603.pdf>

Never having received the mental health treatment, educational services or appropriate emotional and developmental nurturing that he needed in custody or in community, he returned to DJJ for the last time as a juvenile with a more serious offense in 2017. Despite a long history of obvious and documented mental illness, he was neither assigned to the special treatment cottage at IYC St. Charles, nor a residential placement where he could get the mental health treatment he needed. He was sent to IYC Harrisburg which was woefully ill-equipped to tackle this young man's serious mental illness.

Within a week of his arrival, while locked in his room, he was accused of a staff assault. No one viewed him as a teenager suffering from mental illness and desperately needing help. He was seen as just bad. He was charged with a felony offense in adult court in Saline County. His experience of minimal treatment and maximum punishment began anew.

In three months he received 60 tickets, sometimes as many as 3 or 4 tickets in the same day. He earned almost six months of extended custody (set time). His mental health was variously assessed from minimal mental illness to serious mental illness, sometimes in the same week.

A complaint citing the lack of appropriate mental health treatment was filed by his juvenile court lawyers. In response, he was transferred to the special treatment cottage at IYC St. Charles.

He got off to a rough start with 15 tickets in the first 11 days. However, his behavior improved immensely as he settled into the treatment regime and medication routine. He eventually earned "A" grade (the best) behavior status. He received only two tickets in the next 30 days. Only one of the tickets was a major ticket; that was for getting out of a line and taking chips from the vending machine.

Four days later and after less than two months in special treatment, without regard to his progress and without a reassessment of his mental health needs, he was transferred from special treatment to a general living cottage. He decompensated and within four days of that transfer, he was ticketed for a staff assault. A few months later, he was charged with Aggravated Battery to a Peace Officer in Kane County.

Inadequate Community-Based Mental Health Resources

A sentence to prison was contemplated. However, the Kane County Court system acknowledged that his prior mental health history made him eligible for mental health court, and wisely determined that he and the public would be better served if he finally received the mental health treatment deferred for so long. However, because he did not live in or near Kane County, accessing the services would be difficult if not impossible.

The Kane County Court agreed to transfer his case to the Cook County Mental Health Court if the Court would admit him. Application was made and denied. The Cook County Mental Health Court system determined that there were inadequate treatment options available for his level of mental health need.

African American youth like this young man do not receive the mental health/behavioral health services they need, and their trauma remains unaddressed. The lack of appropriate mental health services has been detrimental to the mental, emotional and physical well-being of these youth. It endangers their futures as well as the safety of staff members, other youth and the public.

In his book Mental Health, Race and Culture (Palgrave, 2002), psychiatrist Suman Fernando makes a plea for mental health practitioners to recognize the underlying humanity of all people who are distressed but at the same time to also take into account the impact of race and culture when assessing and treating the people who use their services.

Lack of Treatment for Youth with Aberrant Behaviors

Several youth in DJJ custody, primarily at IYC St. Charles and IYC Harrisburg but also at IYC Chicago, started exhibiting the following behaviors: spitting and throwing feces and urine at staff and other youth and inappropriately masturbating in front of female staff members.²³ This bizarre behavior is largely nonexistent in the communities and cultures of these young men. It appears to be unique to prison environments and among some mentally ill populations.

When youth engage in these behaviors they are punished for assaults and sexual misconduct. In addition to escalating custody extensions, some youth are prosecuted for Aggravated Battery to Peace Officer charges. There is little to no regard for the underlying causes or mental health implications of this behavior.

The OIJO is alarmed by the behaviors, the harm to staff members and other youth. As disturbing is the lack of research and knowledge about the long term effects of this behavior on youth in the critical developmental stages of their lives and implications for public safety when they return to their families and communities with these new deviant behaviors.

The Ombudsperson consulted with a community mental health expert with experience treating youth in detention centers. The expert advised that these behaviors manifest in harsh conditions where prisoners feel alienated and powerless. The expert stated that in adult prisons many of the prisoners who act out in this way are classified as mentally ill. *What are the consequences to the youth, his family and community when these youth return home? Will they carry with them the prison-like behaviors they learned in DJJ custody? How will the sexual misconduct affect their developing sexuality?* The doctor stated that there wasn't much research on this behavior in youth populations. Therefore, she didn't know the long-term outcomes for these young men.

One of the youth who has developed chronic sexual misconduct is a youth at IYC Harrisburg who was committed to DJJ as a young teen for riding in a stolen car with older boys. He is an only child who desperately misses his mother and struggles to adjust to incarceration. He is not well liked by other youth and is often beaten up by his peers.

He started exposing his penis to female staff and masturbating in front of them. He was punished for his sexual acting out behavior and was given 260 days of custody extensions in six months even though it was clear that the punishment did not deter the behavior.

When the efficacy of the punishment was questioned, the Ombudsperson was advised that the youngster was getting extra mental health counseling and other support to address his behavior. However, the teen indicated that he did not feel supported and requested a transfer to a different IYC. Troubled by the excessive custody extensions and other failed interventions along with the potential long-term effects of his chronic exhibitionism and masturbation, the Ombudsperson requested that DJJ transfer him to a residential treatment placement. That request is pending.

RECOMMENDATIONS:

- DJJ should request that committing counties contribute to the cost of treatment for mentally ill youth that are transferred to residential treatment placements. This may be accomplished by requesting co-funding via Redeploy from the committing counties.

²³ Several young men received sexual misconduct tickets for masturbating in their rooms i.e. female staff checking on the well-being of youth by looking into rooms. The Ombudsperson expressed concern about shaming/punishing youth for engaging in normal teen masturbating activity that occurs in their rooms.

- Contract with a community based mental health provider(s) 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.
- Provide training and expert coaching for all employees of DJJ in order to create a trauma informed agency that practices trauma informed care in every facet of staff member interactions with youth and one another.
- Provide training and expert coaching for all employees in order to create a multi-culturally competent agency.
- Draft and implement policies and practices that require and support trauma informed care and cultural competence, including provisions for ongoing training.
- Create a multi-systemic treatment team of YFS, therapists, JJS, aftercare specialists, parents, siblings and other family members that prioritize family members' prominence on the team.
- Develop individualized treatment plans that use knowledge of adolescent development and the neuroscience of the human brain during adolescence to help youth develop and increase impulse control and other executive functions essential to healthy adolescent development.
- Include family members in group therapy and other positive family functioning interventions while the youth is in custody in order to ensure continuity in addressing the youth's needs upon return home. Ensure that when youth are released to aftercare and discharged from DJJ supervision they are connected with and not merely referred to ongoing community mental health treatment and support.
- 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, so that African American, "urban" and other marginalized youth receive treatment consistent with their lived experiences.
- Restrict staff that work on the special treatment units to those with substantial training in dealing with mentally ill youth.
- Regularly review movement logs to ensure that youth are receiving adequate hours of education, recreation and mental health services.
- Discover and correct the environmental factors at IYC Harrisburg, IYC St. Charles and IYC Chicago that cause or contribute spitting, feces and urine throwing and inappropriate masturbation.
- Develop a therapeutic treatment plan for youth who engage in spitting, feces and urine throwing and inappropriate masturbation that eliminates those behaviors.

Conclusion

While the Department of Juvenile Justice has made numerous improvements in serving the youth committed to its care, there is still work to do. DJJ policies and practices are still too closely aligned with the Department of Corrections. As the Department has reduced the overall number of youth in custody and on aftercare, the intensive needs of its population of youth have increased. Mentally ill

youth and those with serious behavior issues need more effective assistance. The correctional milieu at the larger facilities both creates and exacerbates negative youth behavior. Punitive measures such as extended custody do little to change behavior and increase the odds that youth will return to DJJ custody or wind up in DOC.

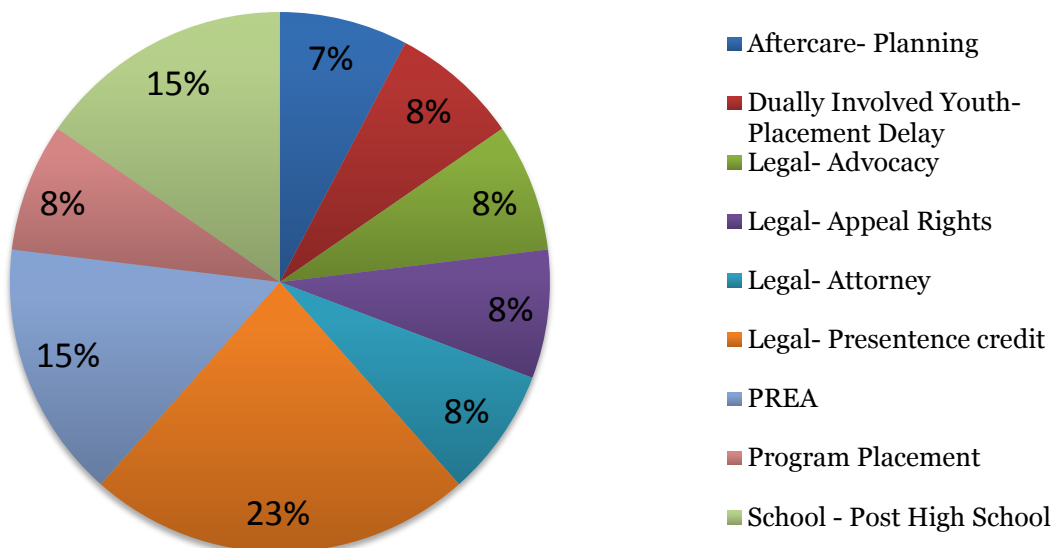
Restorative Justice Philosophy and Practices, trauma informed care and building a culturally competent workforce will lay the strong foundation for reforms that are in line with DJJ's mission, research on how to help troubled teens and public safety. Community involvement in DJJ and youth involvement in the community, robust family engagement as partners rather than bystanders and staff members who are caring adults in these teens' lives will have the most positive impact on youth behavior and community safety.

The Ombudsperson's Office will continue to ensure that the rights of youth committed to DJJ are respected and to assist youth and their families. We will keep identifying troubling trends and make recommendations for improvements. We look forward to working with DJJ leadership and staff as they continue to implement the reforms to include the community led and close to home, strength based programming that helps develop the skills that increase the likelihood of living crime free lives. Then, we will be able to respond to the Maasai greeting; 'the children are well.'

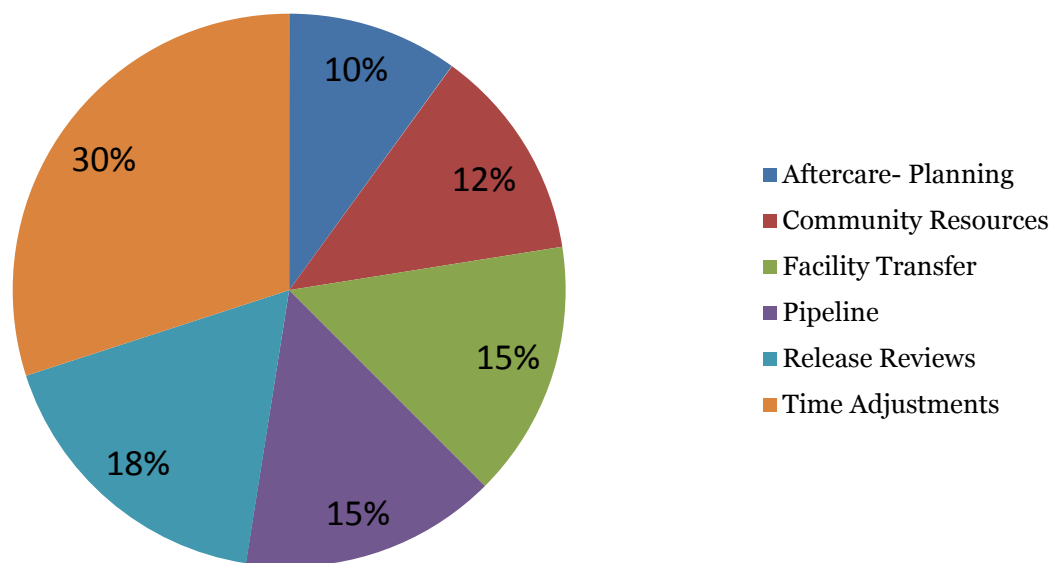
DATA

Inquiries

Inquiries IYC Chicago

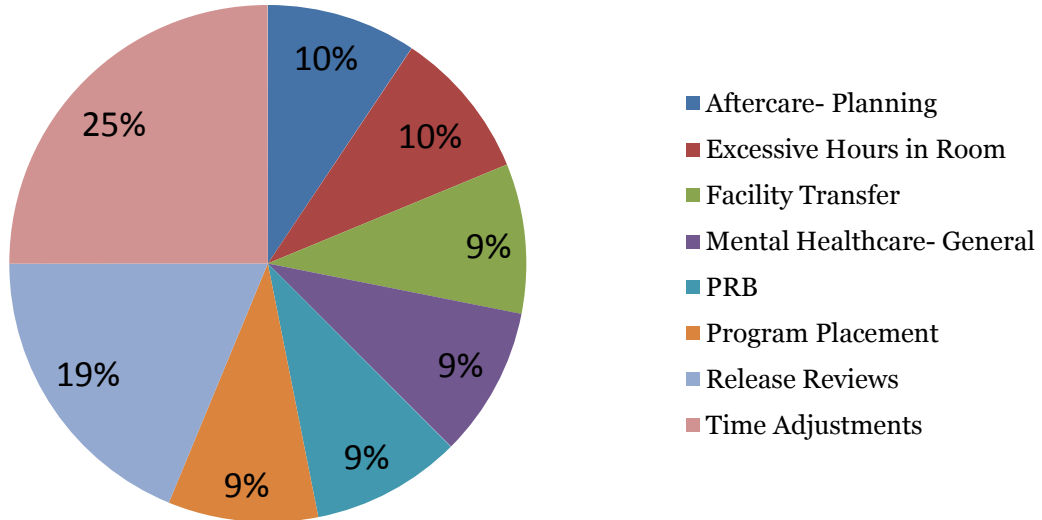


Top Inquiries IYC Harrisburg

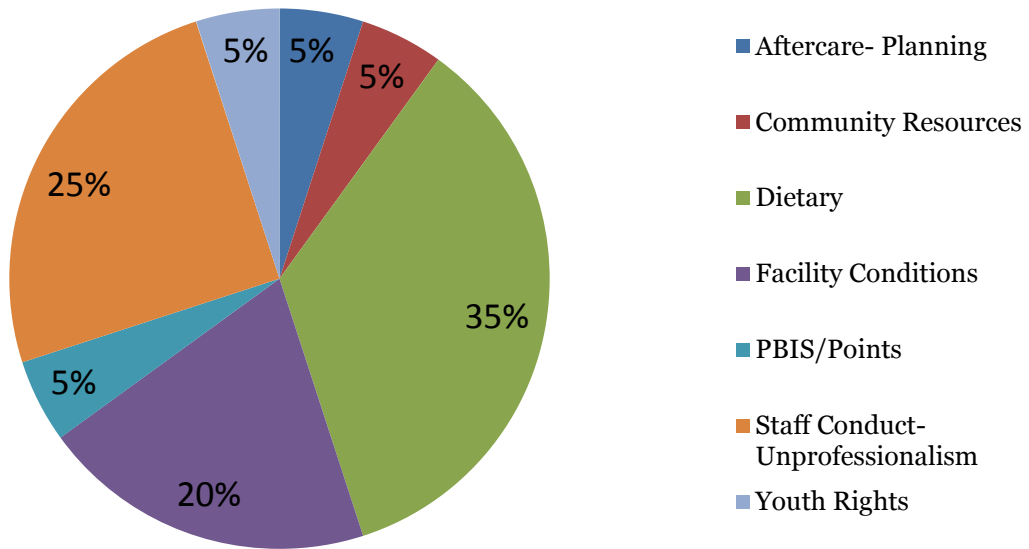


Inquiries

**Top Inquiries
IYC St. Charles**



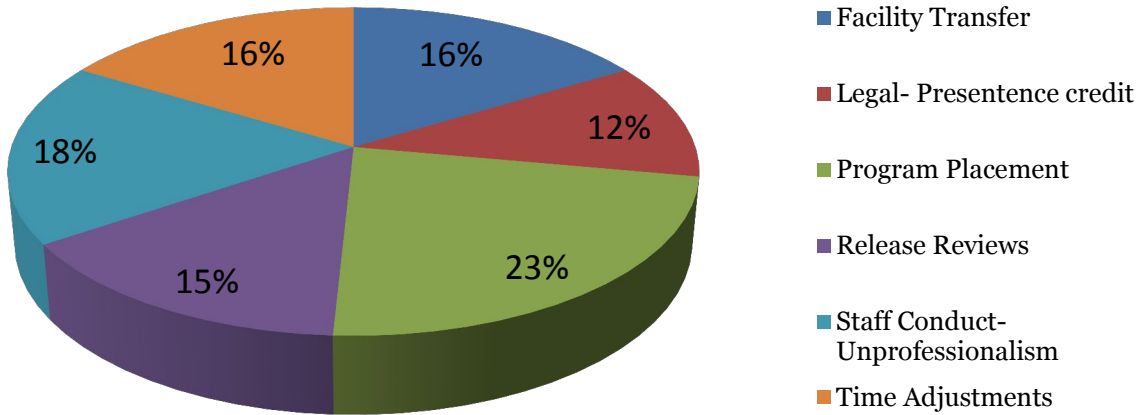
**Inquiries
IYC Warrenville**



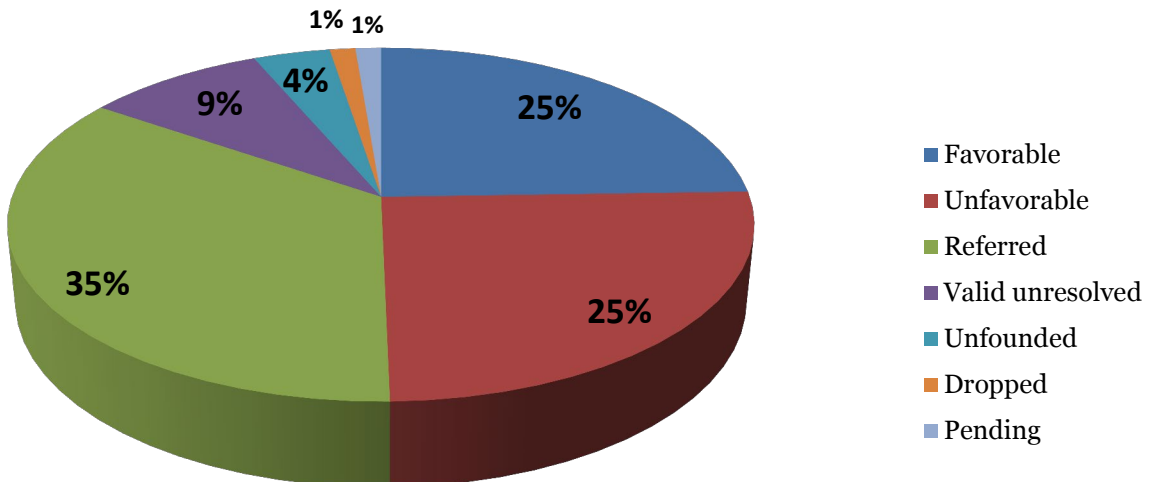
* There were no inquiries recorded from IYC Pere Marquette.

Top Issues

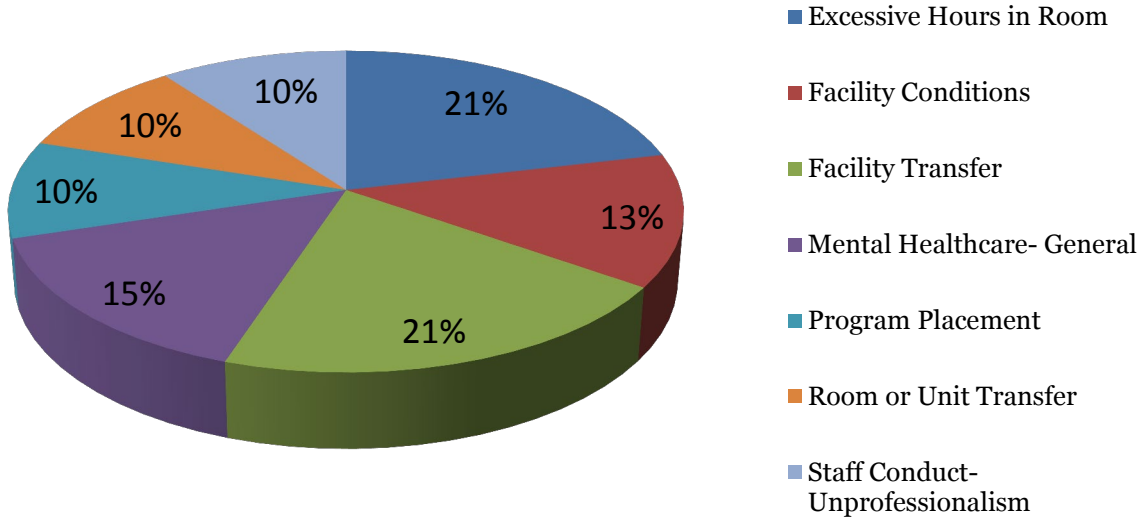
Top Issues IYC Chicago



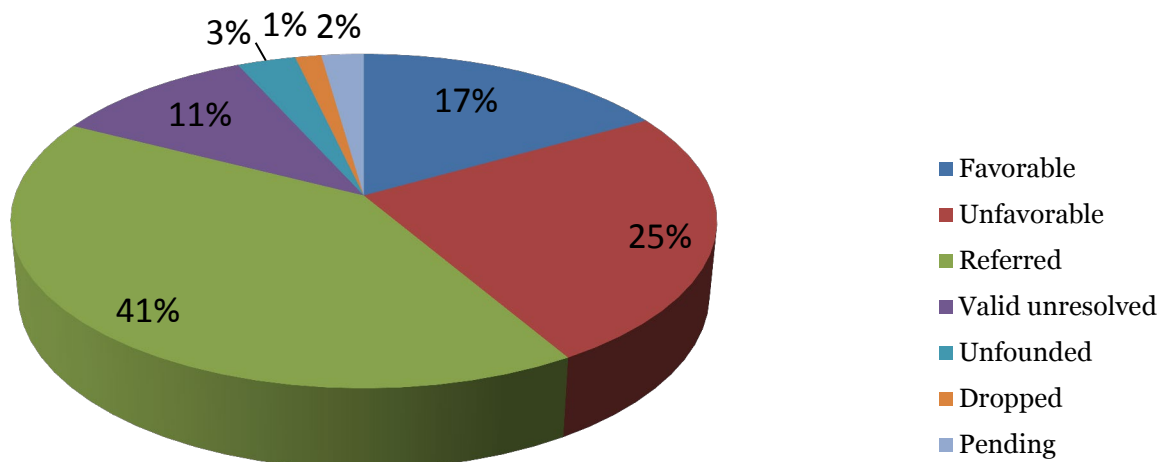
Issue Resolutions IYC Chicago



Top Issues IYC Harrisburg

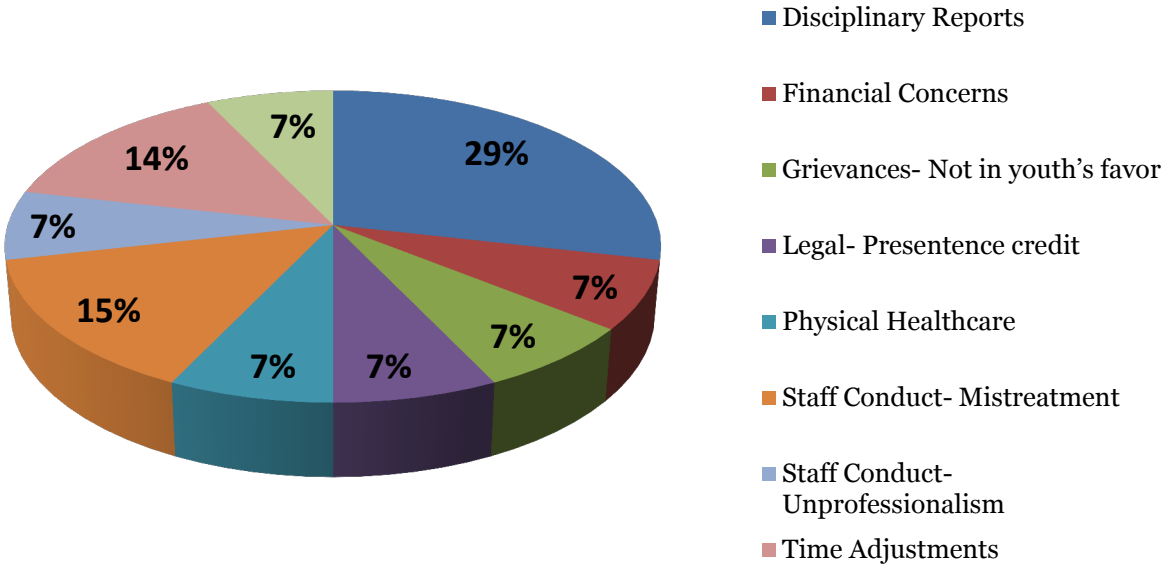


Issue Resolutions IYC Harrisburg

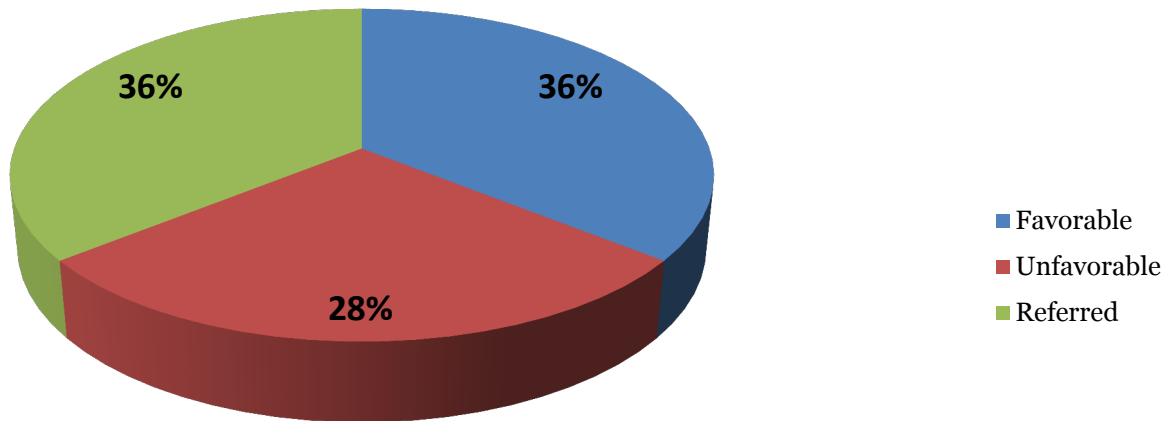


Top Issues

Top Issues IYC Pere Marquette

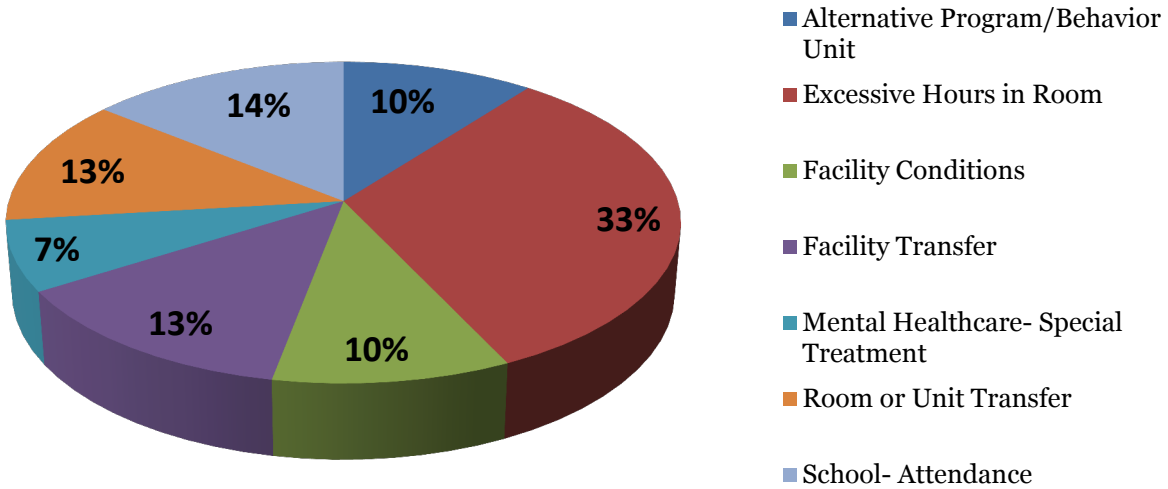


Issue Resolutions IYC Pere Marquette

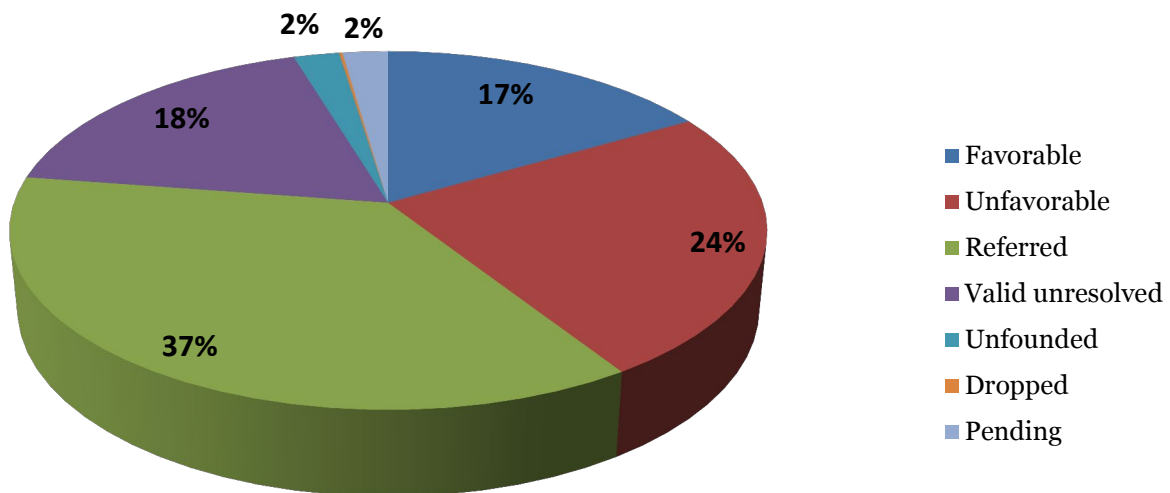


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**Top Issues
IYC St. Charles**

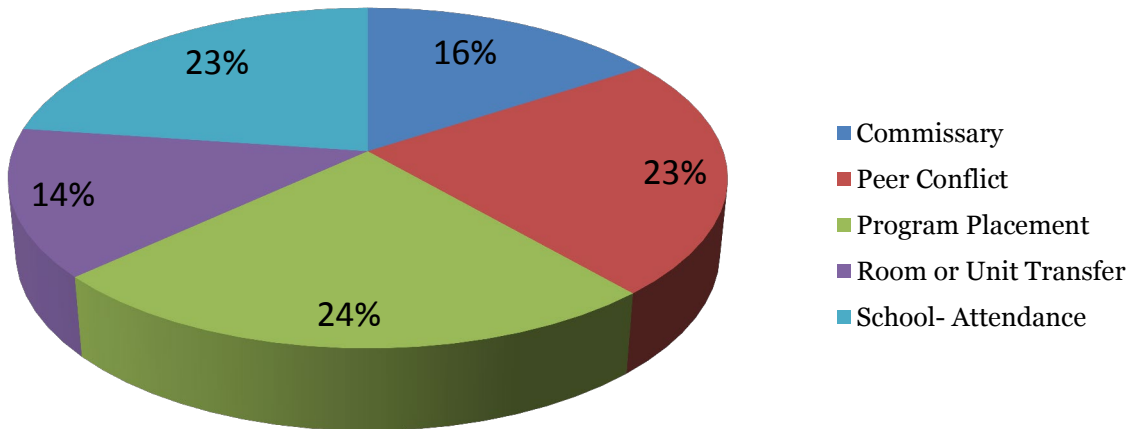


**Issue Resolutions
IYC St. Charles**

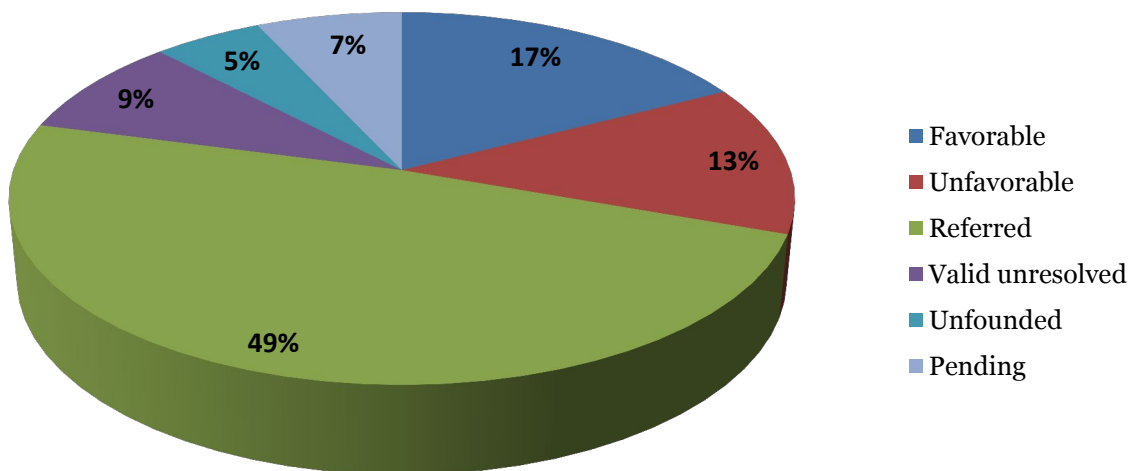


Top Issues

Top Issues IYC Warrenville

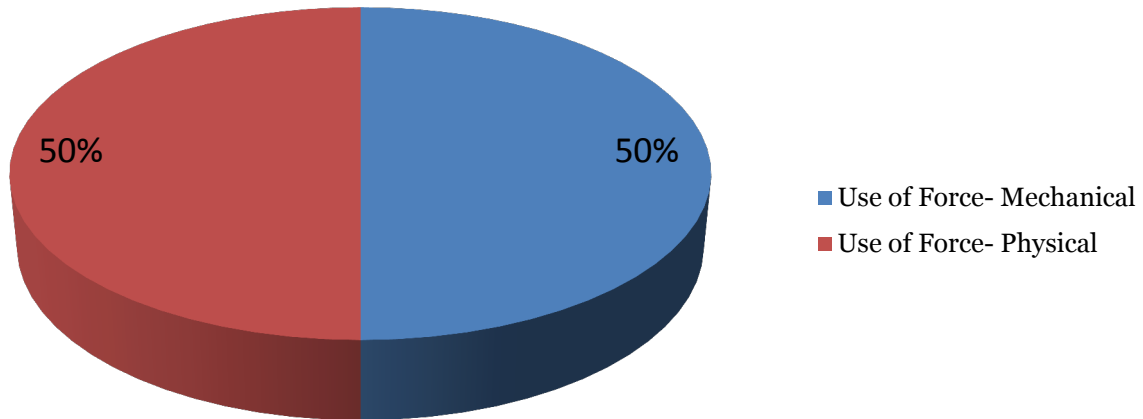


Issue Resolutions IYC Warrenville

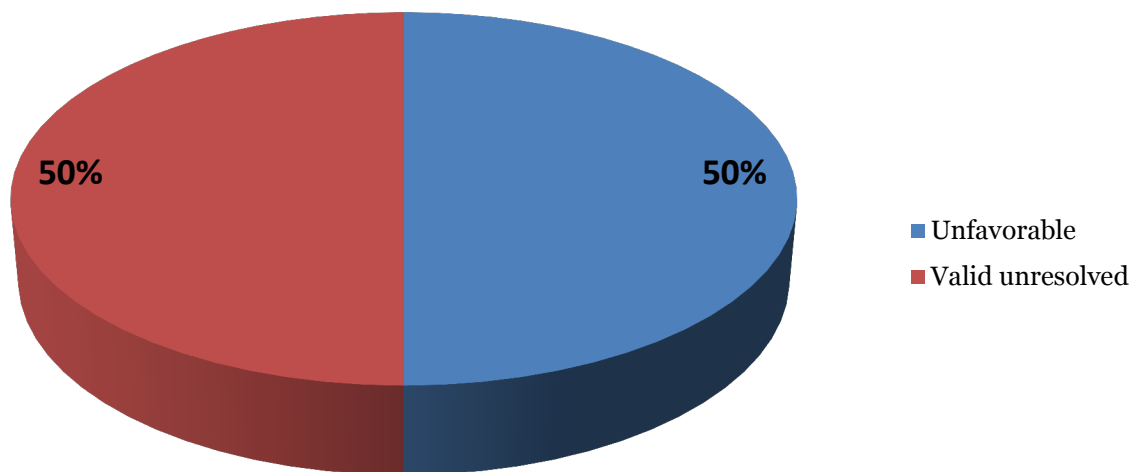


Complaints

Complaints IYC Chicago

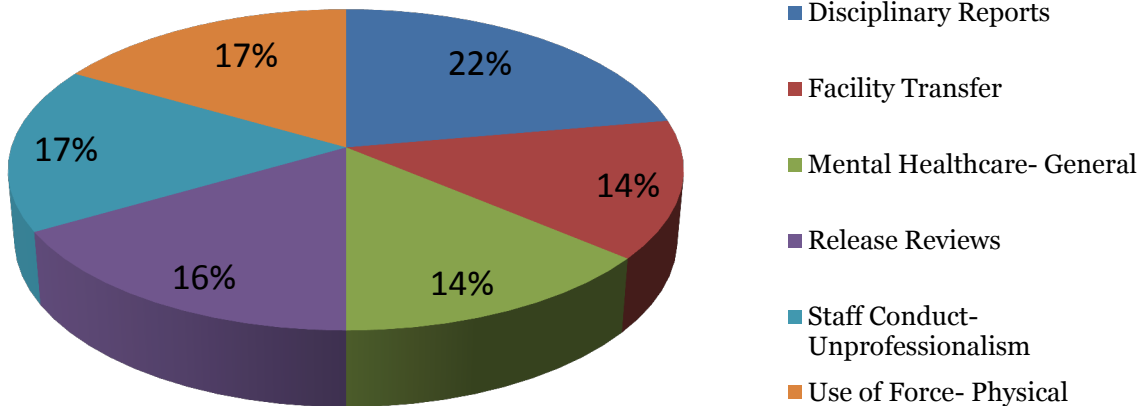


Complaint Resolutions IYC Chicago

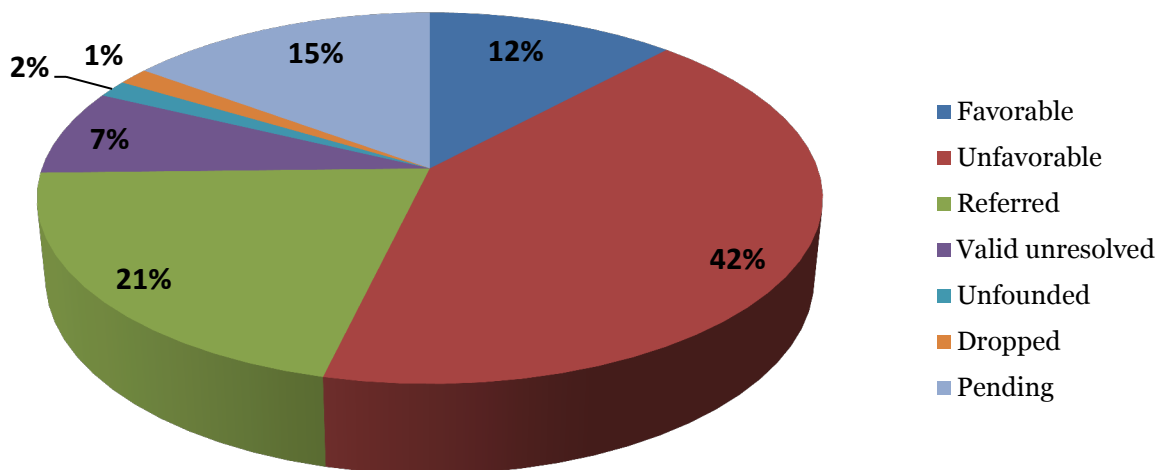


Complaints

Top Complaints IYC Harrisburg

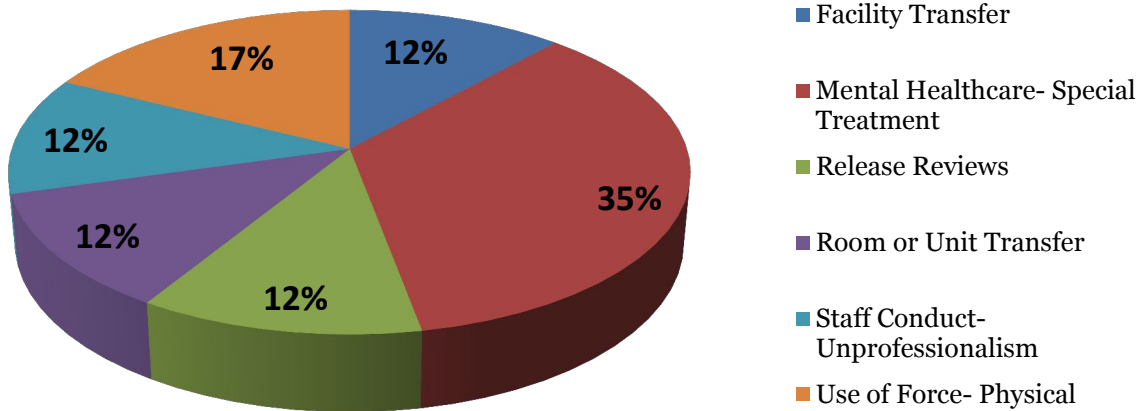


Complaint Resolutions IYC Harrisburg

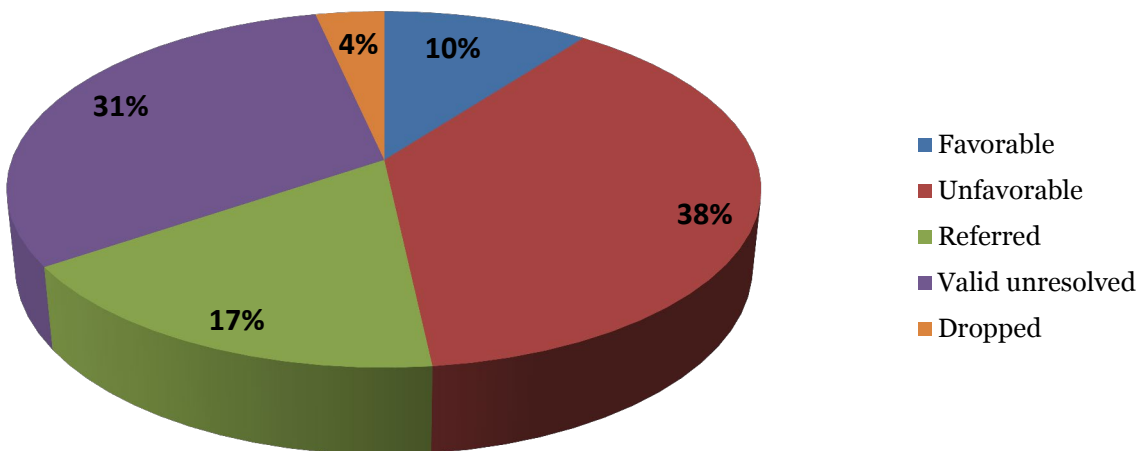


Complaints

Top Complaints IYC St. Charles



Complaint Resolutions IYC St. Charles



* There were no complaints recorded from IYC Pere Marquette or IYC Warrenville.

GLOSSARY

Issue Area	Definition
Administrative Hearing Rights	Youth have issues with adjustment committee findings, recommended consequences, and process
Alternative Program/Behavior Unit	Treatment of youth on ABU are distinctly problematic- no or rare recreation, no school, state issued hygiene products, etc. Assignment to the unit doesn't account for age. Not effective in modifying behavior. No due process.
Aftercare- Conditions	Disagreement with release conditions, amendments to conditions, assistance with community-based conditions such as school enrollment, treatment, employment, transportation
Aftercare- Placement Approval	Denial of host sites, delay of approval or investigations, finding alternative placements following disruption
Aftercare- Planning	Pre-release planning, family engagement. Social Security Cards, Birth Cert., State IDs
Aftercare- Specialist visit	Relationship building, connections to community resources
Commissary	Youth have issues with restriction as punishment based on levels, missing items, delayed delivery. Monetary limits based on grade level
Community Resources	Help youth with IDs, jobs, military, college, vocational training, mentoring, expungement, high school enrollment, housing, mental health resources
Dietary	Youth have issues with food quality, complaints about the menu, lack of menu options, portion size, food tampered with e.g., dropped on floor, problems with Dietary staff
Disciplinary Reports	Youth have issues with a ticket or YDR given. Youth may request a ticket be expunged or reduced and in some cases youth claim ticket given without merit or proof.
Dually Involved Youth	Failure to take reports on alleged abuse, rare case worker visits or contact, etc.
Dually Involved Youth- Placement Delay	DCFS Placement delays
Excessive Hours in Room	Access to recreation, showers, telephone, large muscle exercise
Facility Conditions	Complaints about lack of hot water, insects, bedding, lack of cleanliness, broken items, etc.
Facility Transfer	Youth requesting a facility transfer denial overturned
Financial Concerns	Issues with money owed to youth for things, such as unfulfilled commissary orders, work performed, trust account credit, facility transfer; complaints regarding restitution amounts owed to DJJ for missing or damaged property.
Grievances- Ignored	No acknowledgement or response or suppression, no access to grievance form
Grievances- Not in youth's favor	Response not in their favor
Legal- Advocacy	Needs legal advice, motion up a case, file a lawsuit, other legal services
Legal- Appeal Rights	Wants information about the appeal process; status of ongoing appeals

Legal- Needs Clarification	Youth and their families don't fully understand how or why things are happening legally to them or about their case
Legal- Attorney	Seeking a new attorney, requesting to call or schedule visit from attorney, lack of communication with attorney, complaint against an attorney
Legal- Presentence credit	Tracking down commitment orders and calculating accurate number of days owed
Mail	Youth having issues receiving their mail, restrictions placed on incoming/outgoing mail or not receiving mail at all, mail tampering
Mental Healthcare- General	Ineffective therapy, delayed or denied therapist visits, ineffective medication
Mental Healthcare- Special Treatment	Inadequate or improper assessments, inappropriate removal or denial of special treatment, ineffective delivery of services
New Laws and Rights info	Youth looking for information about new laws that are pending or have been put into effect that may impact them.
PBIS/Points	Loss of points arbitrarily or without notice, missing point cards, staff retaliation
Peer Conflict	Youth dealing with threats or bullying from peers including threats of physical attacks
Personal Property	Youth's personal belongings have been stolen, damaged, or tampered with by staff. Lack of documentation re: property tracking and protection
Phone	Youth have issues with lack of phone privileges/restrictions or malfunction, proper assignment of funds, lack of equipment
Physical Healthcare	Complaints regarding the administering of incorrect medication, issues with infirmity staff, non-satisfactory treatment of ailments, failure to refer for off ground medical care
Pipeline	Youth charged with offenses based on alleged conduct originating in facility. Unwanted contact with staff who are complaining witnesses in juvenile/criminal cases against youth
PRB	Returned to aftercare, revocations, restoration of good conduct credit
PREA	Issues related to sexual misconduct from staff or peers, issues related to reporting PREA [refers to federal Prison Rape Elimination Act of 2003] violations to the hotline
Program Placement	Issues with assigned programs, selection criteria, denial, lack of programs, intra facility jobs, timing of selection, post TRD release
Release Delay	Placement delayed after release approval. Late Notice of Eligibility (NOE) to the State's Attorney's Office when youth are scheduled for release
Release Reviews	Youth want an earlier review, mistakes with time adjustments, youth were continued inappropriately, Targeted Release Date (TRD) too far out, Timing of Mandatory Substance Abuse Treatment
Right to call Ombudsperson	Tampering/hang-ups, suppression through threats and intimidation, denial or delay, lack of equipment
Room or Unit Transfer	Youth would like a transfer. Room transfer seems to trump peer conflicts in the recording of grievances. Most transfers are requested due to conflict between the grievant and his or her roommate.
School- Administrative	Issues focused on transcript errors, class adjustments, requests for grade/credit adjustments. Request to leave school. Requests to test

School- Attendance	No or minimal attendance. Suspension. Limited access i.e. half day
School- Quality of Education	Implementation of IEPs [Individual Education Plan], requests for more traditional classroom learning, tutoring, rigor
School- Post High School	Application, Documents, Denial, Suspension, Quality, Administration, Support
Search Procedures	No documentation. Personal items missing or confiscated and not returned. Retaliation. Room tossed.
Staff Conduct- Mistreatment	Racism, verbal abuse, retaliation, instigating youth on youth violence
Staff Conduct- Unprofessionalism	Rude/Uncaring behavior toward youth, favoritism, inconsistent and arbitrary application of rules and schedules for youth
Time Adjustments	Pending cut time, program credit, excessive set time, miscalculation
Use of Force- Chemical	Inappropriate use of Oleoresin Capsicum (OC-pepper) spray, deviations from administrative directives
Use of Force- Mechanical	Excessive force from staff, deviations from administrative directives
Use of Force- Physical	Excessive force from staff, deviations from administrative directives
Visiting/Family Contact	Barriers regarding distance, transportation, finances, length of time between visits, length of time in visits, no contact visits, complaints re: limitations on who is allowed to visit (extended family), denial as discipline
YFS Services	Issues with visits, getting information, contacting administrative, executive staff, family calls, other requests for assistance ignored or delayed
Youth Rights	Youth feel the necessities entitled them while in IDJJ custody have been withheld, such as fitting and clean uniforms, showers, temperature appropriate clothing, visitation rights, religious freedom, withholding food, private masturbation, funeral attendance

RECOMMENDATIONS

Checklist

- Implement Restorative Justice Philosophy (RJ) as the primary response to chronic or extremely negative behavior in order to prevent assignment to the Alternative Behavior Unit and while on the ABU, when assignment is absolutely necessary. RJ practices such as peacemaking circles, victim offender mediation; family group conferencing should be used by trained facilitators to address the harm caused by behavior and to build positive relationships among youth and between youth and staff.
- Alternative Behavior Unit programming should be tailored to each individual youth and their behavior. Assignment to the Unit should last no more than one week unless there are documented special circumstances demanding otherwise.
- Youth on the ABU should receive the requisite hours of recreation and large muscle exercise as is required for any other youth in IDJJ custody.
- Youth on the ABU should receive the same access as other residents to education and hygiene.
- Administrators and mental health staff at IYC St. Charles and IYC Harrisburg should visit the ABU at least once daily to meet with JJS staff and the youth there to best determine their treatment and ongoing needs.
- At least three security staff members should be assigned to the ABU at all times to ensure that each youth receives the appropriate amount of recreation and programming even when individual youth must be kept separate from one another.
- Living units should be deep cleaned regularly and painted in brighter, more therapeutic colors to eliminate the dark, dreary environment
- Vet and approve volunteer or contracted community members, groups and programs with the goal of minimizing restrictions while maintaining safety.
- Establish and enforce reasonable (1 month?) timeframes within which IDOC should complete approvals for community member participation in DJJ programming
- Pursue community-based programs and activity providers, including smaller, local agencies and individuals to engage youth in pro-social programs and activities that encourage positive youth development.
- Implement administrative rules and policies for community-led engagement that are appropriate and effective for building positive connections for youth.

- Create a special living unit for youth who are approved for release or could be approved for release but remain in DJJ custody for want of housing. The unit could operate similar to a half-way house or work release program where youth can work on obtaining necessary documentation, such as identification cards, apply for jobs and/or school, go out into the community to work or attend school, visit friends and family, and return to the IYC to eat and sleep.
- Give youth aftercare time credit for the time they spend in custody after they are approved or could have been approved for release.
- The highest priority for programming in all facilities (and decisions about facility placement) should be positive family engagement, since it is most likely to be the factor which most influences whether a youth is successfully reintegrated into community once he or she leaves the facility
- Family therapy should start while the youth are in custody and continue after the youth are released to their communities.
- Staff should be courteous to youth and their family members who reach out to them for assistance and should be disciplined following substantiated complaints describing otherwise.
- All calls from family to the facility should be either taken immediately or returned within 24 hours.
- Family members should also be given direct lines of communication to administrators and counselors.
- Phone calls to family should be free to youth and families. Youth should not be further punished and isolated because they can't afford to use the system.
- DJJ should establish JSO treatment and specialized mental health treatment units at each youth center in order to better ensure that youth committed to the Department are assigned to a facility as close to home as possible.
- Establish new criteria for determining the nutritional and caloric intake for youth residing in IYCs.
- Remove commissary restrictions that prevent youth from purchasing food items.
- Repeal the Habitual Juvenile Offender and Violent Juvenile Offender statutes and develop/support effective programming that reduces the likelihood of repeat offending and to ensure that those who commit serious crimes are prepared to return to their communities as law-abiding members.
- Allow youth with Habitual or Violent Juvenile Offender status to earn 'day for day' custody reduction credit as well as program credit in the same manner afforded youth without enhanced status.
- Youth in JSO treatment need clearly defined short and long term goals and regular updates on their progress that are clearly defined from intake into aftercare.
- Youth who require JSO treatment should be considered for authorized absence to a specialized residential treatment center upon intake. This should limit the possibility of youth spending

months in treatment in DJJ custody only to duplicate those efforts when they are “released” to locked, community-based treatment for several more months on aftercare.

- While substance abuse treatment staff should have the most authority to run their program how they see fit, they should still act aligned with the rehabilitative mission of the Department.
- Youth must be afforded the opportunity for unbiased review of decisions that affect their participation in the SATP through hearings conducted by a team of objective staff and that includes youth and their witnesses.
- Program suspensions should last no more than a day.
- The SATP should no longer be tethered to specific housing units but should be tailored to the needs of the youth participating at any given time.
- Reorganize the SATP process so that it starts when the youth arrive at a facility and is carried out throughout their commitment regardless of a youth’s target release date.
- Post telephone numbers to local bar associations and legal aid offices in the living units of the IYCs.
- Provide youth with free, confidential telephone calls to current attorneys and to seek legal representation, including the Office of the State Appellate Defender.
- Provide for the automatic filing of appeals for minors with extraordinary circumstances i.e. Violent or Habitual Offender findings, EJJ findings, transfer to adult court, findings or convictions arising out of behavior while in DJJ custody such as Aggravated Battery to a Peace Officer.
- In the event of similar critical incidents where lockdown may be appropriate it should be narrowly applied and consistent with PBIS youth who acted appropriately should be rewarded in order to incentivize future positive choices.
- 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.
- Any future lockdown should last only as long as it takes to account for all youth in the facility and to complete a facility-wide search for weapons and contraband.
- Utilize restorative justice peacemaking circles as a means to resolving conflicts between youth. Peace circles require all parties to be seated together as equals so there are no mediators or facilitators but rather a community coming together for the common good. Peace circles will also allow for youth who are in conflict with one another to bring friends into the circle that they do feel safe around so they don’t enter the process feeling alone.
- Invite women from the community who are experienced in conflict resolution circles to keep those circles at IYC Warrentonville to address more complicated issues that may be rooted in aggression or past harms.
- DJJ should continue to embrace restorative justice as a holistic, Department-wide philosophy and support all staff members to be trained as circle keepers. If this happens, this Office is

hopeful that the frequency of conflict will dissipate and when issues do arise, that the facility community will address them in the best way possible.

- Charges brought against youth for behavior that occurs during their commitment to DJJ should be reported to the OIJO as a critical incident.
- After a fair assessment of the context that led to the behavior of the youth and type of injury to the staff member, there should be serious consideration of pardons for youth that are charged with Aggravated Battery to Peace Officer by individual staff members.
- 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.
- Staff members that remain at IYC Harrisburg who do not believe in DJJ's mission and are not interested in implementing reforms with fidelity should consider a different line of work or a different place to work. Perhaps this may be accomplished through future contract negotiations that should include discussions about how to make sure that staff members employed by the DJJ who do not believe in DJJ's rehabilitative mission and refuse to implement it can be objectively assessed and be subject to transfer to DOC or dismissal.
- There should be automatic appeals for youth convicted of Aggravated Battery to a Peace Officer and other offenses while in DJJ custody.
- Install high quality video and audio equipment and eliminate blind spots.
- Require that staff use camcorders to videotape and audio record interactions between youth and staff that occur in youths' rooms.
- Require escort staff and Juvenile Justice Specialist Supervisors who respond to crisis situations to wear body cameras with audio.
- RJ trained staff members should begin keeping conflict circles immediately to resolve allegations of youth and staff misconduct. Circle keepers should be guided and coached by experienced circle keepers until they are proficient.
- Train staff members at every IYC on Restorative Justice Philosophy and provide Restorative Justice Peacemaking Circle Keeper training for appropriately identified staff and youth.
- Regularly scheduled peacemaking circles should occur to build/maintain/restore youth to youth, youth to staff and staff to staff positive relationships.
- 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.
- Enact a statutory amendment that prohibits commitment of 13 and 14 year old minors to DJJ in the absence of new statutory change.
- Develop a policy and practice of immediately releasing 13 and 14 year olds to aftercare with in-home wrap around services such as Family Functional Therapy, Multi-Systemic Therapy and other services and supports.
- Develop a policy and practice of immediately placing 13 and 14 year old minors who need additional services and skill building on authorized absence or furlough and transferring them to appropriate residential treatment placements.

- Create a uniquely designed living unit at IYC Warrenville or in the community with staffing and programming designed for teens of tender years who cannot immediately return home or transfer to a residential treatment placement.
- DJJ should request that committing counties contribute to the cost of treatment for mentally ill youth that are transferred to residential treatment placements. This may be accomplished by requesting co-funding via Redeploy from the committing counties.
- Contract with a community based mental health provider(s) 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.
- Provide training and expert coaching for all employees of DJJ in order to create a trauma informed agency that practices trauma informed care in every facet of staff member interactions with youth and one another.
- Provide training and expert coaching for all employees in order to create a multi-culturally competent agency.
- Draft and implement policies and practices that require and support trauma informed care and cultural competence, including provisions for ongoing training.
- Create a multi-systemic treatment team of YFS, therapists, JJS, aftercare specialists, parents, siblings and other family members that prioritize family members' prominence on the team.
- Develop individualized treatment plans that use knowledge of adolescent development and the neuroscience of the human brain during adolescence to help youth develop and increase impulse control and other executive functions essential to healthy adolescent development.
- Include family members in group therapy and other positive family functioning interventions while the youth is in custody in order to ensure continuity in addressing the youth's needs upon return home. Ensure that when youth are released to aftercare and discharged from DJJ supervision they are connected with and not merely referred to ongoing community mental health treatment and support.
- 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, so that African American, "urban" and other marginalized youth receive treatment consistent with their lived experiences.
- Restrict staff that work on the special treatment units to those with substantial training in dealing with mentally ill youth.
- Regularly review movement logs to ensure that youth are receiving adequate hours of education, recreation and mental health services.
- Discover and correct the environmental factors at IYC Harrisburg, IYC St. Charles and IYC Chicago that cause or contribute spitting, feces and urine throwing and inappropriate masturbation.
- Develop a therapeutic treatment plan for youth who engage in spitting, feces and urine throwing and inappropriate masturbation that eliminates those behaviors.