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“The Juvenile Justice Initiative of Illinois works to achieve humane, equitable and sustainable reforms for children and young adults in the justice system.”

Date: December 15, 2020

To: Members of the Criminal Justice Committee of the Cook County Board of Commissioners

Re: _Testimony re Cook County Juvenile Temporary Detention Center,

JUVENILE TEMPORARY DETENTION CENTER

My name is Elizabeth Clarke, the founder and President of the Juvenile Justice Initiative, a nonprofit and independently funded juvenile justice advocacy organization. On behalf of our board, I want to thank the members of this committee for today’s attention to the issues surrounding the use of detention for children, which is especially troubling during this pandemic.

The Juvenile Justice Initiative has long been concerned about the overuse of detention, especially in the case of young children and in light of the profound racial disparities. Studies reveal that even short periods of juvenile detention have a significant negative impact on children’s life outcomes, including increasing the probability of future incarceration as an adult. Dr. Linda Teplin conducted the nation’s premier longitudinal study on a cohort of children detained in Chicago beginning in the 1990’s. She recently reported on the findings:

“Between 1995 to 1998, Teplin surveyed a sample of 1,829 youth of various ages, races and genders, all incarcerated at a detention center in Chicago. **Approximately 90% of the males and 85% of the females had suffered a previous trauma.** Three quarters of the females and two thirds of the males had at least one psychiatric disorder. ... Over the next two decades, Teplin tracked the youths’ progress as they left the detention center. She described her findings as grim: **The majority were reincarcerated within five years** of their initial release, and only one in six with major mental illnesses received any treatment. **Twelve years later, 90% had faced a substance use disorder.** Twenty years later, 194 participants, or about 10% of the study, had died.”¹

Dr. Teplin also noted the profound disparities in the use of detention, stating that **one in four black youth growing up in the inner city will be incarcerated before the age of 18.**²

¹ <https://www.northbynorthwestern.com/beyond-detention-professor-linda-teplin-shares-findings-from-her-study-of-the-juvenile-justice-system/>

² Ibid.

In light of these findings, it is imperative that we take steps to limit admissions to detention and limit the time children spend in detention to minimize the damage caused. The international standard, as reported in the recent Global Study on Deprivation of Liberty of Children, is to limit detention to **a last resort for as short a time as possible**. The Convention on the Rights of the Child requires humane conditions for any deprivation of liberty. Cook County has recognized these international best practice standards through a resolution passed in October of 2019 urging Cook County stakeholders to review local policies and practices in light of these international recommendations.³

Deprivation of Liberty must be in Humane Conditions: The Cook County detention center has struggled through the decades to provide adequate programming in normal times, but during a pandemic programming is necessarily drastically reduced. As the national Sentencing Project reports: “The widespread incidence of COVID-19 inflicts devastating impacts on incarcerated youth, their families, the staff who work in those facilities, and the communities they call home.”⁴ Changes in the Cook County detention center include:

- Family in person visitation stopped
- In person education in the school in the detention center stopped
- Programming dramatically reduced
- Quarantine required upon admission and upon reentry after going to court

These changes necessarily result in the children in detention being locked inside their cells more often and for more extended periods of time – de facto solitary confinement.

It is critical to note that in the best of times, programming is difficult given the physical layout of the Cook County detention center. The children are housed in pods that encircle a concrete open-air courtyard. Each pod has a row of individual cells, a small shower area, another small TV area, and a small area with a few tables and chairs in the center. The pods are dark and dismal, lacking much natural light and lacking fresh air ventilation. There is little room for programming. Meals and other activities are generally conducted in each pod as movement within the facility is difficult. Elevators are required to move youth to the school. This is an old facility that was never appropriate as a residence for children.

US movement to end juvenile detention. Other large US cities face similar challenges and are thus moving to end detention of children:

- San Francisco will close its juvenile hall by the end of 2021⁵
- The new prosecutor in Los Angeles has instructed his staff to limit juvenile detention to cases that present an immediate danger to others and only for so long as the danger exists, ending detention for probation violations.⁶
- New York City has stopped sending its children to the infamous Rikers Island jail, and has drastically reduced juvenile pre-trial detention in a shift to address youth issues within the community.

³ <https://cook-county.legistar.com/LegislationDetail.aspx?ID=4146669&GUID=3D300F58-DBBD-4DBF-8D6D-679A53FC0079&Options=&Search=&FullText=1>

⁴ <https://www.sentencingproject.org/publications/covid-19-in-juvenile-facilities/>

⁵ <https://www.npr.org/2019/08/12/750577690/san-francisco-to-close-its-juvenile-hall-by-the-end-of-2021>

⁶ <https://da.lacounty.gov/sites/default/files/pdf/SPECIAL-DIRECTIVE-20-09.pdf>

Nate Balis directs the Juvenile Detention Alternatives Initiative of the Annie E Casey Foundation. Cook County has participated in the JDAI program since its inception. He urges an end to juvenile detention:

“With many youth facilities releasing young people or reducing the number of those inside because of the risk of infection, authorities have begun to realize that keeping kids close to their communities and families presents little risk to public safety, he said. **“Everything we know tells us that locking kids up doesn’t work,”** said Balis. “Interventions in the community is a much more effective way to reduce the likelihood of them coming back in the system.”⁷

Transparency is especially critical during a crisis. It is troubling that so little is known about the conditions, including the use of solitary, inside the Cook County Temporary Juvenile Detention Center. It is also imperative to report on and analyze the trends in the use of detention. One particular use of detention – that of the detention of young children – should be spotlighted.

Time to end detention of young children. Further, the Convention on the Rights of the Child requires a **“reasonable” minimum age** of prosecution, with the most common minimum age globally set between 12-14. Illinois has no minimum age of prosecution but does set a minimum age of 13 for incarceration following a finding of guilt. Yet, shockingly, Illinois allows children as young as ten to be detained before a trial.

The practice of detaining children younger than 13 should end. Several years ago, the Legislature passed a statute requiring counties to try to access alternatives to detention for young children under the age of 13. Two years ago, this Board approved a county ordinance to end detention of children under the age of 13, but the ordinance was contested and overturned as beyond home rule powers. As a result, **in the first ten months of this calendar year through November 10th Cook County reported 5 admissions of twelve-year-olds in the juvenile detention center**, according to the Illinois Juvenile Justice Commission’s September Detention Report.⁸ If judges are going to continue the practice of detaining young children, the County should demand transparency with **detailed reports from the judiciary on the services that would be needed to end the practice of detaining young children.** It is especially shocking to think about such young children detained given the dire conditions of detention in a pandemic, where programming is drastically reduced and youth must quarantine upon entry in de facto solitary conditions.

The juvenile court in Cook County is an historic legal innovation. It is the oldest juvenile court dating back to 1899 and was widely copied across the world. As a world leader, it is critical for the court to exhibit leadership, policies and practices that are consistent with the highest global standards. Our children deserve no less.

The racial disparities in the juvenile detention population – disparities that have existed for decades in the Cook County Juvenile Court – are reason to act to dramatically limit the use of

⁷ <https://thecrimereport.org/2020/10/23/tackling-racial-disparity-called-key-to-youth-justice-reform/>

⁸ <http://ijc.illinois.gov/sites/ijc.illinois.gov/files/assets/JMIS%20Monthly%20Data%20Report%20September.pdf>

detention. Addressing and ending these deeply troubling racial disparities should be at the center of every juvenile court policy and practice. It is thus imperative that Cook County support policies and practices that limit detention to a last resort.

Ending detention of young children and limiting detention to a last resort for as short a time as possible are two reforms that are essential to ensure all our children are given their basic rights and humane treatment. We commend you for your attention to these critical issues and will be happy to provide further information.

Sincerely,

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