

REPORT OF
THE CHICAGO BAR ASSOCIATION
BLUE RIBBON COMMITTEE
ON
THE COOK COUNTY
JUVENILE TEMPORARY DETENTION
CENTER

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I. INTRODUCTION

The Cook County Juvenile Temporary Detention Center (“the Center”) has been the subject of controversy for many years, beset by well-publicized problems of overcrowding, mismanagement, corruption, an unsafe environment, abuse by staff, inadequate assessment and treatment of residents, and a general failure to meet the legal, educational, medical, and physical and psychological needs of its residents.

In 1999 the American Civil Liberties Union filed a class action lawsuit in federal district court against the County, alleging that the Center violated the constitutional rights of its residents by depriving them of adequate medical, dental, and mental health care services; denying them sufficient access to educational programs; and subjecting them to violence, abuse, neglect, and unfair discipline.¹ In late 2002, the federal court approved a Memorandum of Agreement between the parties, which was designed to redress the problems at the Center challenged in the lawsuit, and included the appointment of independent monitors to evaluate compliance and assist in resolving disputes between the parties.

By 2005, however, the ACLU contended that the County was not in substantial compliance with the terms of the Memorandum of Agreement and had been unable to develop a systematic plan to correct the problems with the Center. In May 2006, the federal court entered an Agreed Supplemental Order that appointed an independent panel of experts and called for a Modified Implementation Plan designed to bring the County into substantial compliance with the Memorandum of Agreement.

In response to continuing reports of problems with the Center, the Chicago Bar Association offered its assistance to the County in assessing the operations of the Center and recommending remedial measures. The CBA has had a longstanding commitment to and expertise in matters of juvenile justice, including assisting in the formation of Cook County’s Juvenile Justice System, assisting community leaders in establishing Chicago’s first juvenile detention center, and drafting legislation that created the Juvenile Court in 1899.

The CBA formed a Blue Ribbon Committee to conduct an investigation into the Center and recommend reforms. The Committee, in turn, created three subcommittees

¹ *Jimmy Doe, et al. v. Cook County and Clara Collins*, No. 99 C 3945 (U.S. Dist. Ct., N.D. Ill.).

to investigate and recommend remedial measures in the areas of Facilities; Education, Sports, and Programming; and Staff Training and Development. Committee members reviewed relevant documents, including papers filed in the federal court case as well as the January 25, 2006 Self-Assessment Report of the Juvenile Detention Alternative Initiative Self-Assessment Team (the "Self-Assessment Report")²; met with government officials, Center staff, juvenile justice experts and advocacy groups, and other interested parties, including the ACLU; and conducted visits to the Center as well as to the DuPage County Juvenile Detention Center, which Committee members believe can serve as a model for reforms at the Cook County Center.

The following outlines the Committee's recommendations for both long- and short-term reforms of the Center: (1) Long-Term Structural Reform; (2) Staff Training and Development; (3) Education; (4) Visitation and Access; (5) Creation of Physical Spaces to Support Meaningful Programming; (6) Adequate Food Consistent with Developmental Needs; (7) Behavior Management Program; and (8) Sports and Recreation. The Committee urges that these recommendations be implemented expeditiously to ensure the health, safety, and welfare of youth at the Center.

II. LONG-TERM STRUCTURAL REFORM

Significant reform of the Center will require fundamental changes in the way the Center is structured and managed. Accordingly, in addition to implementing improvements to the existing facility consistent with the requirements of the federal consent decree and the recommendations of the Self-Assessment Team, it is critical to rethink more fundamentally the current structure of juvenile detention in Cook County.

The Committee recommends that this restructuring include the following:

A. Transfer of Oversight to the Office of the Chief Judge

The Committee recommends that oversight of the Center be transferred to the Office of the Chief Judge.

Every other juvenile detention center in the State of Illinois reports to the Office of the Chief Judge, allowing for a close connection between the detention center and the juvenile court. This structure allows for a detention center that is values- and mission-driven and works in concert with the spirit of youth accountability and rehabilitation that is at the core of an effective juvenile justice system. This kind of mission focus will be critical to substantial improvement in juvenile detention in Cook County.

Transferring oversight of the detention center to the courts would result in practical advantages as well:

² The Blue Ribbon Committee believes the Self-Assessment was extremely thorough and complete and therefore adopts the suggestions and recommendations made in the Report.

- It would raise the qualifications of direct-service staff at the Center, because they would be required to meet the same qualifications as those of the Probation Department. All new hires would be required to have a college degree, although existing staff would be exempted.
- It would support the development of a comprehensive training curriculum that builds on existing resources, including the long history of substantive training within the Probation Department, and ensures consistent approaches across the Center, Probation, the Court, and other aspects of the juvenile justice system.
- Perhaps most important, judicial oversight would allow the Center to access substantial state juvenile justice funding — fully supporting up to four management positions and providing 50% of the cost of all direct-service staff meeting the standard of having a college degree. This funding, even if phased in, could help immensely in supporting necessary reforms.

B. Decentralization of Juvenile Detention in Cook County

The Committee recommends that juvenile detention in Cook County be decentralized, and that separate centers — including separate facilities for youth being tried as adults — be created elsewhere in the County, particularly in the south suburbs. This recommendation is made with the understanding that there be no additional increase in the number of detention beds for the county, but that the location of those beds be placed in areas that are more accessible to the families needing to participate in the process. Further, the committee recommends that there be an increase in community-based alternatives to reduce the overall reliance on detention.

While there are, no doubt, economies of scale associated with one large juvenile detention center, all research about effective practice suggests that a large central facility undermines the ability of that facility to meet effectively the varied needs of the youth it serves. It is vital that the County consider decentralizing this facility, creating smaller centers elsewhere in the County.

The Committee therefore recommends that decentralization be implemented as follows:

- **Facility for youth being tried as adults.** Youth being tried as adults have substantially longer stays in the Center than other residents, leading to substantially different programmatic needs. A facility targeting these youth would have the capacity to offer a longer term educational program and meaningful substance abuse treatment, and address longer term physical and mental health needs. Additionally, there is no advantage to these youth being housed within the juvenile court building, since their cases are being heard in the adult court.

- **South suburban facility.** Changes in the demographics of Cook County are resulting in a growing number of referrals to the juvenile court from the far south suburbs. For the families of these referred youth, visiting the Center is extremely difficult, particularly in light of poor public transportation to the Center from the far south. A southern location would improve access to the detention facility for a significant percentage of the detention population, be closer to the southern courts where the cases may be heard, and make it possible for parents to more readily maintain contact with their children. This recommendation is made, again, with the caveat that an additional suburban facility be viewed as a redistribution of already existing detainees.
- **Additional facilities.** Redistributing beds in additional smaller facilities may prove appropriate as financial realities allow. A feasibility study may be appropriate.

III. STAFF TRAINING AND DEVELOPMENT

The Center's staff obviously are critical to the success of the Center. The ability of the Center to fulfill its juvenile justice mission depends directly upon its ability to recruit and retain qualified staff, who are able not only to attend to the day-to-day and long-term operations of the Center, but also to maintain positive and appropriate relationships with Center youth.

In this respect, the Center has experienced a number of failings. Staff development and training are substandard, and the Center needs better-trained personnel with good listening skills and judgment. Indeed, the compliance monitors appointed by the federal court noted the resistance of Center staff to improvements in the areas of training and development. Although the Committee is aware of possible budgetary constraints in implementing improvements in these areas, such improvements are critical to effectuating appropriate changes within the Center. Moreover, the federal consent decree and related documents require that the Center ensure that all staff are properly trained to perform their assigned functions and duties.

Accordingly, the Committee recommends as follows:

- **Education and experience of staff.** The Center employs a variety of staff, including direct youth care workers, support staff, and administration — all of whom should have appropriate academic and professional credentials. In particular, the educational backgrounds and experience of the direct youth care staff should be reviewed in their entirety.
- **Address the needs of bilingual students.** The Center should hire bilingual staff to meet the needs of Latino residents who do not have a firm grasp of English. The Center should also consider hiring translators as needed for other languages.

- **Address current staff vacancies.** There currently is an unacceptably high number of staff vacancies at the Center, several of which are critical to the proper functioning of the Center. These positions must be filled as soon as possible.
- **Staff training and retention.** Training and staff retention are priorities. There should be a team-oriented approach, so that each shift functions as a cohesive team. (This is especially important for front-line staff.) Training should occur more frequently and should be a continual component of staff development, and not done solely at the orientation stage.
- **Retention of outside staff/HR consultant.** The Center should retain an outside Human Resource Consultant to assist with staff training and development and to develop a broader and more comprehensive training program.

IV. EDUCATION

The education of Center residents is obviously of paramount importance, but the Committee agrees with the Self-Assessment Report that the Center is not adequately addressing the educational needs of its residents. Addressing these problems requires close coordination and cooperation among the Center, the Chicago Public Schools ("CPS"), and the school operated for Center residents, the Nancy Jefferson School ("NJS").

Accordingly, the Committee recommends as follows:

- **Appointment of overseer.** An overseer should be appointed to ensure that students receive an appropriate level of education. This must be a priority. The overseer should be responsible for coordinating with local schools to ensure proper transfer of paperwork and assignments so that the child's education is interrupted minimally.
- **Coordination with NJS.** To ensure proper coordination and communication between the Center and NJS, the Center should identify staff persons to serve as liaisons, and their roles should be clearly articulated. The Center also should consult with NJS to identify appropriate education-related job qualifications for these positions and to establish the parameters of the liaisons' roles in issues such as curriculum development. Both the Center and NJS must provide a therapeutic milieu for youth, not a "junior-jail."
- **Education as a priority.** The Center residents' attendance at NJS should be given priority in scheduling non-academic activities. Whenever

possible, medical appointments, meetings, and the like should be scheduled before or after school hours and on weekends.

- **Curriculum, library use, and homework.** The Committee agrees with the Self-Assessment Report that the Center should work closely with NJS and CPS to modify its curriculum where necessary and feasible, and to identify any deficiencies between its curriculum and that of NJS. The Committee also accepts the recommendation that the Center collaborate with NJS to devise a clear policy and procedure regarding library use and homework, including permitting students to take paperback books to their living units. The Center should consult Center residents, as well as Center and NJS front-line staff, regarding policy and procedure development concerning school issues. Nightly homework assignments should be given twice a week.
- **Administrative procedures and training.** NJS should identify a staff person responsible for facilitating school record collection and distribution for entering and exiting Center residents, and verifying all school absences for illness, professional services, or personal matters, for both City and suburban schools. Likewise, the Center should collaborate with NJS to devise and implement training regarding due process requirements and applicable procedures for removing a student from class. A Hearing Officer from the Center and the Cook County Public Defender's office should apply the CPS Discipline Code to these cases.
- **Programming to support positive self-development.** As outlined in the Self-Assessment Report, the Center provides extremely limited programming beyond the formal school day. Not only do staff rely heavily on television to occupy much of the residents' non-school hours, but during visits to the Center, youth have been found to be watching such negative programs as Jerry Springer and the movie "Carlito's Way." If the Center is to have anything other than a significantly negative impact on youth detained there, it is critical to offer varied positive programming guided by a consistent philosophy of care. The Center therefore should implement programs for the residents designed to discover and nurture their talent, to engage their minds, and to enhance their self-esteem, such as art, music, theater, dance, literature, chess, and the like.
- **Sensitivity to gay, lesbian, bisexual, and transgendered residents.** The Center currently has no policies in place to deal with programming or housing for gay, lesbian, bisexual, or transgendered residents. Indeed, these residents are often assigned to medical isolation. This practice must stop, and programming put in place to assist these residents.
- **Special Education: Identification of students.** The Center must establish appropriate procedures to assist NJS in identifying special

education students. Special education students should be identified within three (3) school days of their admission. At the time of detainment, intake staff should secure a signed consent for immediate release of school records to NJS if the youth will stay beyond three days. The Center must cooperate with suburban Cook County school systems to identify special education liaisons to assist NJS in identifying special education students, and to obtain records for those students.

- **Special Education: Staffing.** The CPS and Cook County Board must take all necessary measures to maintain an appropriate ratio of special education teachers to students.

V. VISITATION AND ACCESS

The Committee recommends a number of changes to improve visitation and access procedures at the Center.

A. Improved Access to Attorneys

Currently, defense counsel generally visit their clients during school hours in the chapel area, with little to no privacy. Evening and weekend contact is difficult and infrequent. Attorneys often wait as long as one hour to be transported to the school or units to meet with their clients, further diminishing the time they have available with their clients. Children miss much-needed school time, as well as visits with relatives, in order to meet with their defense counsel. Moreover, the lack of privacy undermines the attorney/client privilege and their attorney's ability adequately to prepare their defense.

The Committee therefore recommends that the Center implement the following:

- Create a separate, private space in the facility dedicated to attorney/client meetings, and not to other activities.
- Allow youth to be made available for contact with their attorneys during a wider range of hours, including evenings and weekends.
- Once screened, provide defense counsel with access cards so that they may move about the facility and are not dependent upon facility staff. Cards could be issued each time they come to the facility to interview a client or clients, and returned when they leave the facility.

B. Improved Visitation and Phone Access

Consistent with the recommendations of the Self-Assessment Team, the Committee believes it is critical that visitation hours be expanded, that the length of visits be increased, and that visits be available outside the visiting room. Additionally, youth must be given reasonable access to phone calls. It is critical to their growth and

development and their self-esteem that they be allowed access to parents and appropriate friends and relatives during their stay in the temporary detention center.

VI. CREATION OF PHYSICAL SPACES TO SUPPORT MEANINGFUL PROGRAMMING

While visiting the DuPage County Juvenile Detention Center, Committee members were struck by the use of positive posters and other visual reinforcements of messages in support of program goals. These positive messages were reinforced by the creation of attractive physical spaces — most strikingly, a room dedicated to raising plants and animals. This space provides an atmosphere that supports and encourages nurturing, rather than aggressive and negative behavior, in youth. Similar positive messages and spaces in the Cook County Center are sorely needed.

VII. ADEQUATE FOOD, HOUSING AND CLOTHING CONSISTENT WITH DEVELOPMENTAL NEEDS

The lack of additional food at meals, and the fact that there are no snacks after a 5:00 p.m. dinner, are inconsistent with the developmental needs of many growing adolescents. Supplemental food must be made available in addition to proper clothing, undergarments, shoes and bedding.

VIII. BEHAVIOR MANAGEMENT PROGRAM

The Center has a Behavior Management Program designed to “enhance socially appropriate behavior” by providing a “graduated scale of incentives for positive behavior.” The Center’s Program, however, is flawed, as recognized by the Self-Assessment Team.

Accordingly, the Committee recommends that the following be implemented:

- **Completion of draft Report.** The Self-Assessment Team’s draft report on the Behavior Management Program should be completed in a timely manner, and a revised program implemented.
- **Revised Behavior Management Program.** The Behavior Management Program should allow for a faster progression to higher reward levels, incorporate meaningful incentives, and establish mechanisms for genuine accountability and quality control such that the Program is implemented consistently and fairly.
- **Involvement of counselors, parents, and youth.** Counselors must be involved in the program’s development, and youth and their parents must be informed of the Program and its incentives.

IX. SPORTS AND RECREATION

The Center must be more receptive to and proactive in expanding and properly administering its sports and recreation programs.

Accordingly, the Committee recommends the following:

- **Expanding the scope of sports and recreation programs.** The Center should expand the scope of its existing sports and recreation programs — including more structured activities in the living units — and develop and offer more activities, information, and programs that would benefit the residents while at the Center and after release. Such an undertaking would require new cooperation and coordination by Center staff with all resident units. The Center must obtain feedback from recreational staff, counselors, caseworkers, and youth regarding potential activities and incorporate a recreation program that reflects this feedback.
- **Appointing a full-time program coordinator for sports and recreation activities.** A full-time program coordinator should be appointed to oversee and administer the expanded sports and recreation programs.
- **Filling the “Volunteer Coordinator” position and expanding volunteer involvement.** As noted in the Self-Assessment Report, although Center policy provides for a “Volunteer Coordinator” to “develop a pool of volunteers,” there is no Volunteer Coordinator at the Center. The Volunteer Coordinator position should be filled, and the Center should solicit and support more volunteer programs for youth. Security screening requirements should be modified to *encourage* outside involvement, not restrict it. Administration should support staff efforts to expand the scope of activities and should be creative in accessing programming resources, as well as existing resources such as the library, gym, and visiting rooms.
- **Limiting TV time.** TV time should be limited to two hours before bedtime and, as noted above, should be limited to appropriate programming.
- **Beauty/Barber Shop.** The committee recognizes that self-esteem issues may contribute to problems associated with juvenile delinquency and therefore recommends that the facility allow operation of a beauty/barber shop during non-school hours (evenings and weekends) so that children may be properly groomed.

The committee firmly believes that implementing these recommendations in a timely fashion will result in a more efficient, professional, safe and well-run temporary juvenile detention center.