

Multiple Documents

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2	Exhibit A
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Magistrate Judge Ashman

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the Court, the parties, and Local 714 (the collective bargaining unit for most JTDC staff) on the conditions and the status of the JTDC staffing crisis. *See* Doc. 415 (May 8, 2008 Order) at ¶ 6. The TA submitted his first report pursuant to this order in November 2008. The first report addressed the staffing and organizational progress that Office of the Transitional Administrator (OTA) has made since May 2008 as well as issues that would need to be resolved in the future.

This document is the second report of the TA pursuant to the May 8, 2008 Order. This report expands upon the issues discussed in the first report and discusses other progress the OTA has made toward compliance with all of the Court's Orders. This report is divided into seven (7) parts. Part I discusses progress made relative to hiring, contract services, and professional development of JTDC staff since the Court's May 8, 2008 order. Part II provides an update on other staffing accomplishments. Part III provides an update on capital projects affecting life-safety issues at the JTDC. Part IV provides an update on JTDC policy development. Part V provides an update on JTDC-Nancy B. Jefferson School, which is operated by the Chicago Public Schools. Part VI provides up an update on the status of medical and mental health services at the JTDC. Finally, Part VII sets forth the OTA's plan for staff retention and compliance with the education and experience requirements promulgated by the Administrative Office of the Illinois Courts (AOIC).

I. Progress made Relative to Hiring, Contracts Services and Professional Development of JTDC Staff Since the Court's May 8, 2008 Order

A. OTA Has Hired and Assigned Dozens of New Permanent Employees

When the TA last reported to the Court, the OTA -- working in collaboration with the Office of the Chief Judge of the Circuit Court of Cook County (OCJ) and with the assistance of Personified Inc., a Human Resource consulting firm -- had recently devised and implemented an unparalleled and aggressive plan to hire and train new permanent employees. This plan, described in detail in the TA's last report, involves a rigorous screening process that ensures that all new hires meet nationally recognized standards as well as the educational and experience requirements set forth by the Administrative Office of the Illinois Courts (AOIC). It also ensures that new hires have the skills and temperament necessary to work effectively with residents in a juvenile detention setting.

To date, more than 260 permanent employees have been hired or promoted under this plan. This number includes 131 Juvenile Detention Counselors, 10 Team Leaders, 23 Assistant Team Leaders, 13 Recreation Workers and 19 Caseworkers, all of whom have direct and continuous contact with JTDC residents. The OTA has also hired 6 Cooks, 4 Food Service Workers, 14 Custodial Workers, 2 Laundry Workers, 20 Security Officers, and 15 other professional staff (e.g. Business/Finance, Human Resource, Quality Assurance, etc.).

All newly hired staff have completed a highly structured interview process and received required training as set forth by nationally recognized minimum standards of practice. Those job classifications providing and/or overseeing the direct and continuous supervision of JTDC residents have received a minimum of one hundred-sixty (160) hours of training in a newly

created JTDC Training Academy. The total number of training hours provided to this group of new hires exceeds 37,000 hours of classroom training and 7,400 on-the-job training hours.

In addition, all new hires have received eighty (80) hours of Leadership Training prepared for the JTDC by the National Partnership for Juvenile Services and its partner organization the National Juvenile Detention Association.

B. Impact on JTDC Living Units

With this new staff in place, OTA has been able to open five (5) new resident living Centers (Phoenix, WINGS, ALPHA, Houston and ARROW). As described in the TA's last report, each new Center operates on a "center within a center" model, which breaks the large JTDC into smaller, 48 to 54-bed living Centers that are more manageable and secure than the former living units. Each Center has a dedicated staffing (staff assigned to a Center do not work in other Centers). Each Center is staffed with 1 Team Leader, 3 Assistant Team Leaders, 24 Juvenile Detention Counselors, 2 Recreation Workers and 3 Caseworkers. Each Center is complimented by integrated and dedicated medical and mental health staff

These Centers provide a living environment for JTDC residents that is vastly superior in terms of safety, security, sanitation, and resident quality of life than the old JTDC living units. The new Centers operate in a manner that meets nationally recognized minimum juvenile detention standards. Most importantly, the staff, who are in the critical positions of providing direct and continuous supervision to residents, have the requisite skills and training to interact with residents in a professional and caring manner. This staffing feature promotes the residents' ability to develop pro-social life skills. Every effort is made to promote the JTDC mission of establishing a "culture of caring" in these Centers.

C. Use of Temporary Contract Personnel at the JTDC

When the Court entered its May 8, 2008 Order, the JTDC was in desperate need of contract personnel to provide janitorial and security services. The JTDC was chronically understaffed to the point that resident health and safety was seriously at risk. Once the Court granted the OTA authority to bring in temporary contract personnel, the OTA entered into contracts with Jani-King for temporary janitorial services and Wackenhut for temporary security services. With these services in place, OTA could finally ensure some degree of order and safety in the facility.

As new hires have been made, the OTA has been able to decrease, and ultimately terminate, its reliance upon Jani-King. The JTDC's custodial staff now consists entirely of permanent employees. The JTDC custodial scheduling has significantly changed. The custodial workers are on site 24 hours a day, seven days a week. This scheduling change has allowed custodial work to be completed more efficiently because major tasks are now completed on the midnight shift.

The OTA still relies upon Wackenhut to provide temporary security services at the JTDC. The OTA has been unable to reduce its reliance upon Wackenhut largely because of the extremely high rates of absenteeism among staff who work with JTDC residents, which the TA described in this last report to the Court. In addition to the usual staffing shortages resulting from employees on family medical leave, injured on duty status, call-offs, and benefit time (vacation, holiday, personal days), there has been a need for additional staff to cover the posts for those employees in training. For example, approximately 70 staff participated in an intensive full-time training program in anticipation of the opening of two new Centers on August 26, 2009.

The OTA has primarily utilized contractual staff for the midnight shift and school and recreation security. Although the OTA has sought volunteers from the permanent staff to fill vacant spots to the fullest extent practicable, it has also had to rely on Wackenhut personnel to ensure some measure of consistent, adequate staffing on the living units during the hours when residents are awake. Without consistent, adequate staffing on the daytime shifts, the OTA will inevitably be forced to place residents on lock down and/or cancel their visitation rights, both of which are practices that the TA will take every step to avoid.

The OTA anticipates that the reliance on contractual staff will diminish with the opening of additional Centers.

II. Update on Additional Staffing Accomplishments

The OTA has also made a number of broader staffing changes, all of which are necessary to turn the JTDC into a functioning detention facility. These changes are described below.

A. Organizational Support Services

Prior to the TA's appointment, the middle management personnel and professional support services had been virtually eliminated. The absence of middle management and support services (i.e., human resources, business office management) made it impossible to manage day-to-day personnel issues such as attendance, payroll and employee benefits; manage operational issues such as inventory, expenditures, and payment of bills; or ensure any staff accountability. As a result, the JTDC was completely dysfunctional as an organization.

The JTDC now has an Office of Business and Finance and an Office of Human Resources. With these offices in place, the JTDC is finally adequately staffed to manage the

JTDC's \$45 million annual budget and its 600+ employees.

B. Resident Advocacy

The OTA has also established an Office of Resident Advocacy. The Office is now fully staffed with a Director of Resident Advocacy and 6 professional staff who oversee the resident disciplinary and grievance processes and provide liaison services to the various Courts. Many of the activities of this Office are directly related to compliance with the MOA.

C. Volunteers and Gender/Reentry Services

The Office of Volunteer Services and Office of Gender and Reentry Services focus on integrating the community and the JTDC. They seek to create greater transparency between the community and the JTDC and to increase volunteer and special programs that provide a pro-social environment for JTDC residents. These Offices are now fully staffed and in the planning and development stages. Numerous programs and agencies have been providing quality services, which have already had an enormous impact on resident quality of life at the JTDC.

Transparency, along with community involvement and ownership, are critical to the future direction of the JTDC, especially if future governance is to avoid a "fall back" to the days of old.

D. Quality Assurance

The OTA has also created an Office of Quality Assurance, which will develop performance standards and an internal audit system. This Office will provide continuous oversight toward compliance with the MOA and the related JTDC policy and operational procedures. Recruitment has recently started for staffing of this Office.

E. Security and Control

The JTDC Division of Admissions, Security & Control, Transportation, and Facilities Management has made substantial progress under the leadership of the Deputy Transitional Administrator. Security and Control has been significantly enhanced and is in the process of an organizational change. The number of staff positions in this area has been increased and positions are being reclassified to more adequately describe professional duties, responsibilities and critical emphasis on maintaining a safe and secure environment. The OTA has created new supervisory positions, including a new Supervisor-In-Charge (SIC). The SIC is responsible for the shift-by-shift operational management and coordination of all of the security and control activities for the JTDC. This position is empowered to oversee and communicate all activities, concerns, and issues to the OTA. The remaining Supervisors have identified responsibilities including the coordination of all resident movement within and outside the facility and the night watch. The OTA has exhausted efforts to recruit internally for this position and is in the process of recruiting, hiring, and training for the remaining Supervisor vacancies.

F. Candidate Board & Senior Management Hiring

The TA has appointed a Candidate Board of community leaders which, in collaboration with Personified Inc., has been involved in recruitment of new senior management staff at the JTDC. A nationwide search for the first senior management position to be hired, the Deputy Superintendent of Admissions, Security and Control, Transportation and Facilities Management, has resulted in the identification of three (3) finalists. The finalists are scheduled for a full day of interviews in October and November 2009 with the JTDC Leadership Team and a representative from the OCJ.

Immediately after the hiring of the Deputy Superintendent for Admissions, Security and Control, Transportation and Facility Management, the OTA will undertake a search for the two (2) remaining Deputy Superintendent positions: Resident Daily Life and Programs and Professional Services. In each instance the OTA will work collaboratively with the OCJ.

III. Update on Capital Projects

The biggest challenge the OTA has confronted with respect to addressing major life safety issues at the JTDC is capital projects. The OTA has had serious difficulty implementing capital projects because doing so requires navigation of the Cook County government bureaucracy, which has slowed the process considerably. However, with the intervention of the Court and the assistance of Cook County State's Attorney's Office, some significant progress has been made in recent months. At the present time, the following projects are in progress:

A. Safe Rooms

The OTA has been attempting to convert two rooms in the JTDC medical unit into "safe rooms." These rooms are needed because the JTDC building is environmentally and structurally deficient; it cannot safely house residents that pose a risk to themselves or to others. This project requires installation of padded surfaces to the walls and floors and redesigning of the ceiling.

B. Cameras

The OTA has also been attempting to install a video camera system and a "real time" rounds-tracking system. The lack of video recording in the facility impedes management's ability to investigate allegations of abuse or misconduct. A "real time" rounds-tracking system will enable JTDC managers to comply with resident monitoring requirements of the MOA as well as state and national standards.

This project is still in the design phase. There has been significant difficulty getting this project underway, largely due to funding issues, bureaucracy, and miscommunication with the Cook County Capital Development Board. This project is now on track, though the OTA anticipates that it will need to be completed in several phases over a period of several years.

C. Radios

For years there has been a lack of adequate communication equipment at the JTDC. Without this equipment, JTDC staff cannot respond effectively to emergency situations, such as acts of violence between residents and/or staff. The purchase of radio communications equipment has recently been approved and orders have been placed.

D. Recreation facilities

The JTDC currently has two gymnasiums to provide large muscle exercise to four hundred (400) residents. The need for additional spaces for recreation is necessary to meet the requirements of the MOA and state and national standards. Although gym and outdoor recreation yard renovations were approved in this year's budget, the project has been delayed because the infrastructure could not accommodate the proposed plan and additional monies will be required.

E. Computer equipment

Computer updates and equipment purchases were delayed due to Cook County bond issues. Critical updates to the Management Information System (MIS) have been delayed as the current computers are decades old and do not accommodate the systems requirements of the MIS updates. The majority of the computer equipment has finally received approval.

F. Ventilation

The hallways of the three floors that provide housing to JTDC residents have been without adequate ventilation and heat for several years. The lack of ventilation affects all areas of the JTDC and contributes to the health problems of residents and staff. Heating and ventilation renovations have been approved and are scheduled to begin by Spring 2010.

G. Glass doors

The glass doors on residents' sleeping rooms are often shattered by residents acting out in a violent matter, jeopardizing the safety of all residents and staff. These doors will be replaced with a more durable steel door. The proposed specifications include two door types. The primary door was designed by the OTA and allows the resident to have greater privacy yet provide the visual contact necessary to ensure the resident's safety. The second steel door will contain a food pass to ensure the safety of residents and staff.

IV. Update on Policy Development

In September of 2007, the OTA began to develop a new, comprehensive JTDC Policy and Procedure Manual which would reference and meet nationally recognized minimum standards of practice, state standards, and all current Court requirements. This process is a cumbersome one given the ever-changing fluid activities related to any reform effort. At present, this project is

approximately 60% complete. In addition, the OTA, in cooperation with Cermak Health Services, is developing a Policy and Procedure Manual for health and mental health services that will meet the requirements for the accreditation by the National Commission on Correctional Health Care.

Most notably, the OTA is developing a “zero tolerance” policy related to physical and/or sexual abuse of residents and endangerment of residents resulting from failure to perform direct and continuous supervision. Allegations of this nature that result in a substantiation of the facts shall result in immediate termination from employment at the JTDC.

V. Update on the Nancy B. Jefferson School operated by the Chicago Public Schools

The Nancy B. Jefferson School (NBJS), which is operated by Chicago Public Schools (CPS), serves JTDC residents. The administrations of CPS and NBJS have worked collaboratively and diligently with the OTA to provide educational services. Subsequent to a recent change of leadership at the NBJS there was an immediate “buy in” by CPS and NBJS to work within the JTDC “Centers within a Center” model by creating a “Schools within a School.” NBJS staff has received training that is consistent with the behavior program of Cognitive Behavior Treatment (CBT) that has been adopted for the JTDC. NBJS Administration has assigned teachers to “Schools within a School” that correspond to the JTDC “Centers within a Center” in order to promote teamwork and continuity of service. The JTDC Centers have designated space within the educational area such that the residents from a given Center no longer interact with residents from other Centers and other Schools. JTDC staff is required to participate in their respective Center’s School and provide direct and continuous supervision in each classroom.

In February 2008 the OTA discontinued all educational services in the NBJs area (which consists of the entire second floor) as a result of a major resident disturbance during a scheduled event. All educational services from that point on were limited to the dayrooms of the resident living area that would accommodate no more than eighteen (18) residents in the area. While the action taken by the OTA generated a major outcry from numerous advocates and community organizations, it was the only way at the time to ensure the safety of all residents and staff. As of this date, six (6) Centers consisting of (18) pods or approximately two hundred and sixty (260) residents have returned to the designated "Schools within a School" in the educational area. The remaining pods continue to receive educational services in the designated living area of the pod until these pods are transformed into Centers and all staff has been adequately trained.

Although CPS laid off a large number of NBJs personnel in Spring 2009, the impact on the JTDC was not significant. The layoffs included mainly elementary school certified teachers, for whom there is not a great need given the age of the JTDC population in recent years. Teachers and JTDC staff now meet regularly to identify needs and provide solutions to meet the needs of the residents.

The OTA continues to meet with CPS to develop a more efficient and responsive educational format at the JTDC. There are some proactive plans on the "drawing board" that will be announced in the future. CPS and NBJs Principal Anobah are to be commended for their leadership and support in dealing with a very complex reform effort.

VI. Update on Medical/Mental Health Services provided by Cermak Health Services

At the present time, Cermak Health Services (CHS) oversees the administration and delivery of all medical and mental health services at the JTDC. CHS is a critical component to

be integrated into the operation of the JTDC and the provision of services to residents.

CHS, not unlike the NBJC, has undergone some recent much needed changes in leadership since the last OTA Report. Debates over who is administratively responsible for the oversight of medical and mental health services, confidentiality of resident/patient services, chain of command, and the types of services required have slowed progress considerably. Although these issues are not completely resolved, considerable progress has been achieved in recent months that will benefit JTDC residents in the future.

Efforts are currently underway to: (1) develop an inter-governmental agreement between the CHS and the OTA (to be replaced by the OCJ at some point in the future) that will clearly delineate areas of responsibility and services to be provided; (2) pursue accreditation for CHS-JTDC from the National Commission on Correctional Health Care; (3) develop comprehensive policies and procedures for CHS-JTDC; (4) implement electronic medical records; and (5) conduct a needs assessment to determine staffing needs. All of these activities promote opportunity for an improved health care system at the JTDC.

Mental health delivery has posed unique problems at the JTDC. Those services are provided by an agency called Isaac Ray, which has a contract with CHS. Because Isaac Ray has no direct contractual relationship with OTA, the JTDC leadership has little control over the delivery of mental health services at the facility. The OTA is of the strong opinion that the mental health services should be managed through a contract for services not with CHS but with the OTA (and, in the future, with OCJ).

While the aforementioned differences are sorted out and a remedy is agreed upon, mental health services provided by Isaac Ray at the JTDC continue to improve. Mental health staff and

services have been integrated into the “Centers within a Center” concept and have proven to be effective in providing the necessary care for residents and support of staff. In addition, mental health staff has demonstrated the clear ability to identify at-risk residents and, when necessary, have these residents placed in appropriate alternative settings. Additionally, a staffing analysis has been completed, and while not consistent in numbers of staff with the recommendation(s) made by the consultant to the Doe parties, it is representative of essential needs required to accommodate the JTDC program. However, it is important to note that the current mental health staffing levels are still very low by any measure. This is a matter that requires resolution if the OTA is to move forward with the opening of the four (4) remaining Centers within a Center.

VII. A Major Issue to be Resolved: OTA’s Plan for Staff Retention and Compliance with the Education and Experience Requirements Promulgated by the Administrative Office of the Illinois Courts (AOIC)

A. Background

Shortly before the TA was appointed, the State passed legislation that transferred governance and control of the JTDC from the Cook County Board of Commissioners to the Chief Judge of the Circuit Court of Cook County (OCJ). *See* Illinois Public Act 95-0194. When the JTDC transitions from the TA to OCJ, certain JTDC job classifications will be subject to the employment requirements of Administrative Office of the Illinois Courts (AOIC), particularly those employees who have direct and continuous contact with JTDC residents. Most notably, the AOIC requires that, at a minimum, these employees have bachelor’s degrees. When AOIC requirements are in force, these employees will be essentially on par with court Probation Officers in terms of pay and job qualifications. As the TA understands it, one of the major reasons behind this change was to ensure a minimal degree of professionalism among JTDC

staff, an aim that the TA fully supports.

To that end, the TA has ensured that all employees hired since his August 2007 appointment meet the AOIC requirements. This includes all Juvenile Detention Counselors (JDC), Team Leaders, Assistant Team Leaders, Caseworkers and Recreation Workers assigned to the five Centers that have opened since the TA's appointment. Similarly, almost all of the staff on the newly opened Centers meets the AOIC requirements.¹

The majority of the JTDC staff on the remaining resident Pods (*i.e.*, living units that have not yet been restructured into new living Centers) do not have bachelor's degrees. This presents two problems. First, there is a question as to who will staff these Pods when they are reorganized into Centers. The JTDC simply does not have a sufficient number of individuals with bachelor's degrees on staff to fill the positions in the future Centers. Second, it is unclear what will happen to the current JTDC employees who do not meet AOIC requirements. The OTA estimates there are about 50 current employees working on the Pods who have bachelors' degrees, though some of them may not meet AOIC if their degrees are not from an accredited institution.²

Approximately 180 current employees are not degreed and stand to lose their jobs under the AOIC requirements.

¹ There are approximately eight (8) of over one hundred-twenty (120) JDC's assigned to the new Centers who are veterans that do not meet the AOIC requirements. This small minority of veteran staff consists of those few who stepped up after those veterans with degrees were afforded the opportunity and elected not to participate.

² The OTA has attempted to determine which staff members meet these requirements, but has had surprising difficulty doing so. There are no records on file at the JTDC with this information; prior to the TA's appointment, the JTDC's human resources department kept virtually no records. Since the TA's appointment, OTA has requested information from staff about their educational backgrounds, but some employees refused to provide this information.

B. The TA's Approach to the AOIC Requirements

The OTA has reached out to the AOIC to explore whether it might be possible to obtain some type of waiver and/or devise some kind of phase-in process, but the OTA has received frustratingly little feedback. The OTA has also had extensive discussions about this issue with the OCJ, which has been very cooperative. The OCJ has expressed a legitimate desire that all JTDC employees working in classifications regulated by the AOIC meet the AOIC minimum educational and experience requirements by the time OCJ assumes control. (AOIC requirements are consistently applied throughout Circuit Court of Cook County.) While the TA is not bound by AOIC, he understands that, as a practical matter, it is incumbent upon him to transition the facility toward AOIC compliance; if he does not do so, the OCJ will have difficulty assuming control of the JTDC.

The TA's overriding concern, of course, is to bring the JTDC into compliance with the MOA, ASO, and MIP. While the TA takes the AOIC standards seriously, his primary goal is to ensure that JTDC staff working with residents meets basic nationally recognized standards for working in a youth detention setting. In the TA's professional judgment, a bachelor's degree is an appropriate minimum standard for a person in a position involving direct and continuous contact with JTDC residents, but a bachelor's degree alone does not make a person qualified to work with JTDC residents. What is more important is that person's ability to work effectively and humanely with potentially troubled youth in a detention setting.

The TA must take some decisive action on this issue if he is to move forward with his reform efforts. For this reason, the OTA is recommending a plan designed to (1) ensure that all staff having direct and continuous supervision with JTDC residents meet basic nationally

recognized standards, and (2) transition the JTDC toward compliance with AIOC standards. This plan involves the dissolution of current job classifications affected by AOIC and the creation of job classifications that meet the AOIC requirements.

The TA has developed a plan to implement his recommendation, the details of which are attached here as Attachments A, B, and C. In sum, all veteran staff, including the non-degreed staff, would be invited to reapply for the jobs within the new job classifications created. All would be subject to the same screening, testing, and interviewing requirements that were established for individuals hired after August 2007. Those who pass the screening, testing, and interviewing requirements and have bachelor's degrees from accredited institutions would be promoted to a newly created classification of Youth Development Specialist (YDS). Employees who pass the screening, testing, and interviewing requirements but do not have qualifying bachelor's degrees would be selected for a newly created classification of Youth Development Specialist Associate (YDSA). YDSA's would be required to pursue a bachelor's degree within a specified time period established by the OTA and would remain at the same salary until completion of the degree.

The TA is certainly aware that this approach could impose a hardship on scores of employees who do not have bachelor's degrees, some of whom are truly excellent employees with years of dedicated service under their belts. The transition taking place at the JTDC raises real questions of fairness to these employees, for whom the rules have essentially changed mid-way through their careers. Accordingly, the TA would like to assure the Court that he does not take any of the decisions he will have to make with respect to AIOC lightly.

At the same time, the TA understands that his overriding duty is to the JTDC residents whose lives were endangered and rights were violated for years prior to his appointment. Likewise, the TA's mandate from this Court is to bring the JTDC into compliance with the various remedial court orders entered in this case. In the TA's professional judgment, the most effective and responsible way to fulfill this mandate is to move forward with his reform efforts as they relate to opening new Centers as expeditiously as possible. Under these circumstances, the TA can think of no fairer or more responsible way to proceed than the one described here.

Over the past week, the TA has shared his recommendation with Local 714 -- the bargaining unit that represents most JTDC bargaining unit staff -- as well as with the County Board. The TA emphasizes that this plan is simply his recommendation based upon his expertise in the field and his experience running the JTDC for the past two years. The TA intends to discuss his recommendation further with the bargaining unit and OCJ before implementing any plan. The TA would certainly value the Court's input on this difficult and serious issue.

VIII. Conclusion

The TA hopes that this report is useful to the Court. A copy of this report will be served on all parties of record, as well as on Local 714 and OCJ. The TA will gladly provide the Court any additional information it would like and/or appear in open court to answer questions on the record. Unless the Court directs otherwise, the TA will prepare and file an updated report in approximately six months.

RESPECTFULLY SUBMITTED,

/s/Earl Dunlap

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CERTIFICATE OF SERVICE

I, Elizabeth Mazur, an attorney, certify that on October 9, 2009, I delivered a copy of this **SECOND REPORT OF THE TRANSITIONAL ADMINISTRATOR PURSUANT TO THE COURT'S MAY 8, 2008 ORDER**, on all counsel of record via the ECF electronic filing system.

/s/ Elizabeth Mazur

Attachment A

A Mandate for a “Culture of Caring and Learning”

A reform effort, such as the one being undertaken at the Cook County Juvenile Temporary Detention Center (JTDC), is not achieved easily and certainly is not without cost. Furthermore, the time that has passed, well over a decade, has contributed to a mounting and deeply entrenched dysfunction, all of which has limited the options available to achieve the desired outcome.

Doe v. Cook County, No. 99 C 3945, has set forth a “blueprint” for change at the JTDC. The Federal Court has appointed a Transitional Administrator whose mandate is to take those necessary steps, in accordance with the Orders of the Court, to comply with the “blueprint” and ensure that the resident population benefits from those programs and services that promote a safe, secure and helpful environment. Change seemingly is always difficult and the greater the change, the greater the degree of difficulty. Sweeping change is required at JTDC; therefore, the degree of difficulty may be viewed as overwhelming.

One significant difficulty associated with organizational change is the challenge of changing the hearts, minds, and, in many cases, the core values of the people in the organization, particularly those whose core values contributed in large part and in small part to the necessity for change. Faced with the need to alter one’s thinking and behavior, three options generally emerge. First, one can change and assimilate. Second, one can hold fast to one’s beliefs and seek employment elsewhere in an agency that holds a compatible view. Third, one can choose to stay and fight the change.

It is the choice to stay and fight that becomes the critical battle in the transformation process. If the change is to be successful, much depends upon how the transformational leader resolves the problem of resistance to change by those who contributed to the need for change.

If this were an issue of math or science or widget production, there would be some agreed-upon principles and formulae for redirecting an employee’s productivity. However, in juvenile justice and particularly juvenile detention, like other areas of social science, debate remains about the most effective, the most appropriate, the most ethical, and the most compassionate way to help troubled youth. Each element of the complex challenge of reforming juvenile detention provides an opportunity for those who are opposed to change to find a foothold so as to offer up their boldest “Yes, but.....” When encouraged or cajoled by outside influences, the desire to preserve the status quo and to resist the inevitability of changing one’s behavior can morph into a twisted and self-righteous battle.

While these discussions, arguments, and allegations may hold sway in other agencies, organizations, or institutions, they do not apply here. The necessity to reform JTDC is not a

function of management theory, correctional philosophy, social justice, or ethical considerations; simply it is now a matter of law. The time for wiggle room and debate has clearly passed. The Federal Court has taken an unambiguous position on matters related to inadequate conditions of confinement and civil rights violations at the JTDC. Therefore, the question of resistance to change can be reduced to the simplest of terms. The willingness to resist and/or oppose lawful Court Orders in order to continue the journey of a twisted but self righteous battle?

As in most battles, the fight takes various forms and intensities. As those resistant to change see the general inevitability of transformation, there will be a gathering of resistance in one location to rally support and to mount a final charge. This strategy is sometimes prompted when the change forces are powerful enough to maneuver the resistance into the corner. There is well documented evidence that such resistance is mounting on a daily basis and in covert as well as overt ways.

In an age of compromise, there is a tendency to stop short of full and final transition in order to accommodate some of the counterproductive needs of the resisters. This runs contrary to common sense. The notion of leaving a remnant of resisters betrays the best interest of the residents of the JTDC and the purpose of court intervention. There is a need to eradicate the most virulent forms of resistance to change in order that the JTDC regain full health. Just as you would not plead with the surgeon to remove all but one of several tumors, so too does it make no sense to fail to exorcise the group with the greatest level of toxicity.

The debate over just how to achieve change at the JTDC has generated much debate since the appointment of the Transitional Administrator. Every entity having a stake in the need for change has had the opportunity to weigh in. After two (2) plus years of developing and implementing strategies that are consistent with the "blueprint" some meaningful change has in fact been achieved. However, we are now at the crossroad of transforming an environment from a "*culture of dysfunction*" to, as set forth in the JTDC Vision, a "*culture of caring and learning that embraces the fundamental principles of accountability, respect and opportunity.*"

Therefore, the Transitional Administrator offers the following strategy for consideration by the Court and the Parties to *Doe v. Cook County, No. 99 C 3945*:

1. That certain **Job Classifications/Descriptions** at the JTDC (e.g. Juvenile Detention Counselor Supervisors, Juvenile Detention Counselor, Recreation Worker) be **eliminated** and that new classifications be created that meet the educational and experience requirements as set forth by the Administrative Office of the Illinois Courts.
2. That **new classifications be created** (e.g. Operations Supervisor, Youth Development Specialist, Youth Development Specialist Associate, Recreation Specialist) and have a compensation level consistent with the entry level Juvenile Probation Supervisor and Juvenile Probation Officer classification.
3. That a new **classification be created** (e.g. Youth Development Specialist Associate) and have a compensation level of at least one grade level below that of a Youth Development Specialist. (may only be utilized for a non-degree candidate who successfully completes the interview process and is recommend for employment)

4. That all JTDC personnel, **degreed and non degreed**, currently working in one of these classifications and hired before December 1, 2007 be notified that on a date to be determined the position classifications in #1 will be eliminated.
5. That all JTDC personnel affected by #1, including the non-degreed personnel, be advised that they will be invited, **while continuing in their present position**, to apply for and be considered for employment in the aforementioned (#2, #3) classifications.
6. That in every instance those applying for the newly created classification will be required to participate in the same screening, testing, structured interview process that was required of all those hired after March 1, 2008. (See Attachments B & C).
7. That in the event that a non-degreed applicant, who may only apply for the position of Youth Development Specialist Associate, successfully completes the screening, testing and interview process and is recommended for employment, they must enter into an "Agreement" that requires the completion of a qualifying degree within a certain period of time.

As important as it is to ensure that the JTDC is in compliance with AOIC requirements the TA firmly believes that those requirements must be balanced with fairness. It is simply not sufficient enough to say that because AOIC requires thus and so and because the "rules have changed in the middle of the game," so to speak that it is justified to dispose of some "good" people. There is, in the opinion of the TA "good" people with bachelor degrees and "good" people with high school diplomas at the JTDC. It is for this reason that the TA believes that it is every bit as important to treat those "good" people at the JTDC fairly as it is to ensure compliance with AOIC requirements.

The TA believes that the screening, testing, and structured interview process that has been adopted at the JTDC, which in every case but one (non-degreed veteran employees) meets or exceeds AOIC requirements. With regard to the non-degreed veteran employees, the TA believes that a middle ground may be reached through the approach presented above.

Attachment B

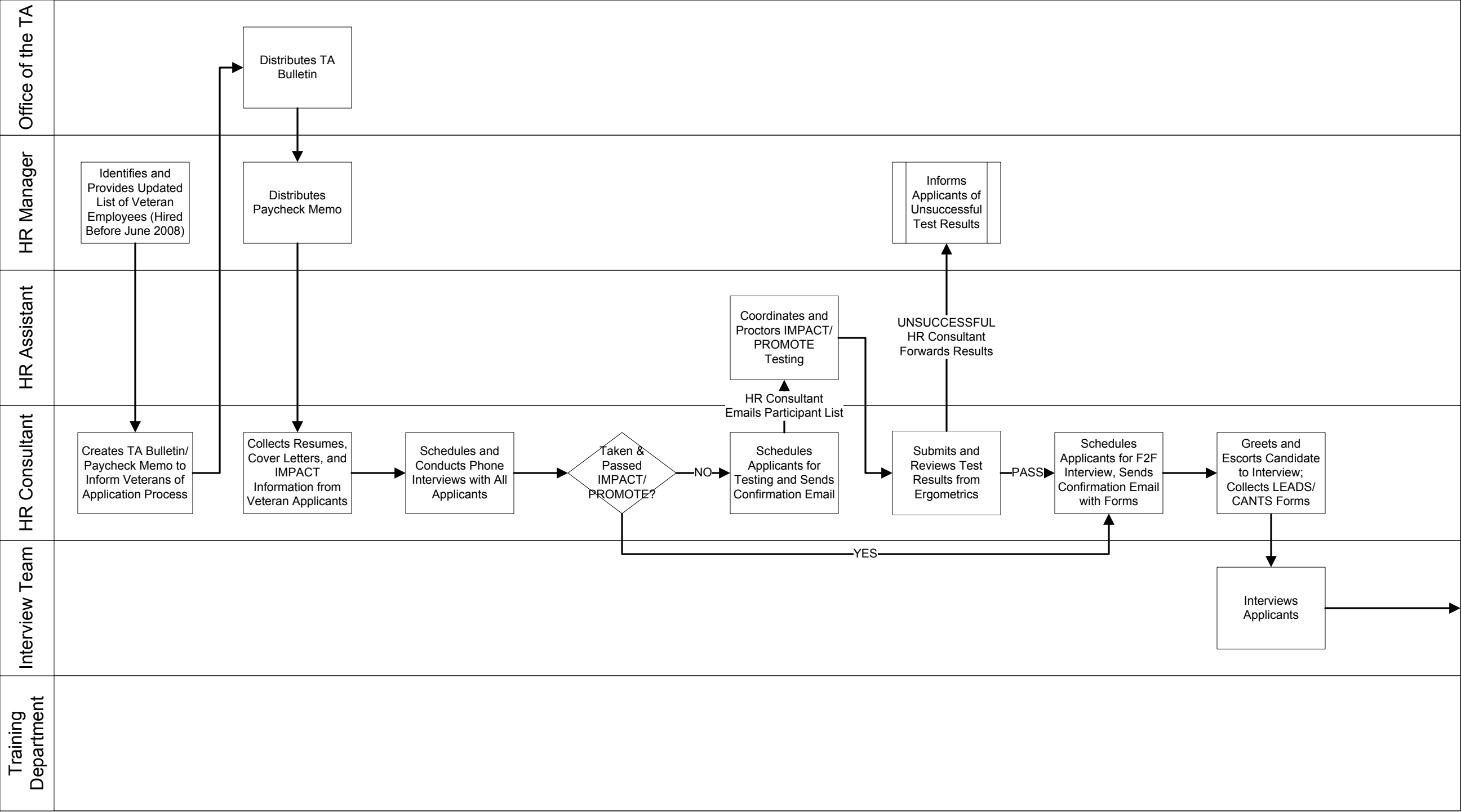
Overview of JTDC Hiring Process

- JTDC Human Resources Manager identifies and provides an updated list of veteran direct care employees hired prior to June 2008 (hereafter referred to as “veterans”).
- HR Consultant drafts TA Bulletin and Memo to be distributed with paychecks to inform veterans of application process (resumes and cover letters directed to HR Consultant).
- All veterans may continue in their current position until the completion of the hiring process.
- Veterans without an accredited Bachelors degree may only apply for their current position or any open position they qualify for that does not require a Bachelors degree; veterans with an accredited Bachelors degree may apply for any open position they qualify for.
- HR Consultant collects application materials, and schedules, conducts, and documents phone interviews.
- HR Consultant determines whether applicant needs to take IMPACT/PROMOTE, schedules as appropriate, and sends follow up confirmation email.
- JTDC Human Resources Department coordinates and proctors IMPACT & PROMOTE testing.
- HR Consultant collects and submits test scantrons to Ergometrics.
- HR Consultant reviews test results against passing requirements as established by the Office of the Transitional Administrator (OTA):
 1. IMPACT Requirement: To pass IMPACT, veterans must achieve a 70% or greater in both the Human Relations AND Reading portions AND must score in the top 50th pTile or higher; “Some Problem” or “High Risk” ratings in any of the dimensional categories must be approved by the OTA.
 2. PROMOTE Requirement: To pass PROMOTE, veterans must achieve a 66% or greater.
- HR Consultant schedules and coordinates in-person interviews with a pre-selected interview team for all veterans who successfully pass testing.
- HR Consultant greets veterans prior to interview to collect completed LEADS, CANTS, and Employment Application documents and to provide written interview exercise.
- Interview Teams for Youth Development Specialist and Youth Development Specialist Associate (Resident Daily Life), Caseworker, Recreation Worker, Assistant Team Leader, and Team Leader positions must consist of one member from each of the following areas:
 1. Team Leader/Assistant Team Leader
 2. Independent JTDC Consultant
 3. Bargaining Unit Representative
- Interview Teams for the Juvenile Youth Development Specialist and Youth Development Specialist Associate (Internal Movement & Visitation) and Supervisor positions must consist of one member from each of the following areas:
 1. Supervisor in Charge
 2. Independent JTDC Consultant
 3. Bargaining Unit Representative
- The Interview Team will debrief after each interview; the decision to move forward with a veteran must be reached unanimously by the team. If at least one team member does not vote to move forward, the veteran cannot move forward in the hiring process. The interview team must inform HR Consultant, JTDC Human Resources Manager, and the OTA of all recommendations.

- JTDC Human Resources Manager informs all veterans who will not move forward in the hiring process.
- HR Consultant submits LEADS/CANTS requests to Office of the TA for veterans selected to move forward in the hiring process and provides original LEADS, CANTS, and Employment Application documents to the Human Resources Department for the veteran's personnel file.
- OTA reviews LEADS results and provides final determination on pass/fail to HR Consultant.
- JTDC Human Resources Department confirms whether veterans selected to move forward have accredited Bachelor's degrees.
 1. Veterans without accredited Bachelor's degrees can only be selected for a newly created Classification of Youth Development Specialist Associate. The veteran will still need to pursue a Bachelors degree within a specified period of time established by the OTA and will remain at current salary and position until completion of degree.
 2. Veterans with accredited Bachelor's degrees can be selected for promotion to a newly created Classification position Youth Development Specialist. The JTDC Human Resources Department ensures they have submitted the AOIC Application or are already certified by the AOIC.
- For all selected veterans, HR Consultant coordinates a training date with JTDC Human Resources Department, Training Department, etc and coordinates medical screen times and dates with the Office of the Chief Judge.
- HR Consultant provides training date and medical screen times and dates to JTDC Human Resources Manager.
- JTDC Human Resources Manager informs veterans of selection for the position of Youth Development Specialist Associate or for another promotional position Youth Detention Specialist pending successful completion of medical screen; provides medical screen date and potential training date to veterans.
 1. If veteran does not pass medical screen, JTDC Human Resources Manager informs veteran of unsuccessful result.
 2. If veteran passes medical screen, JTDC Human Resources Manager process promotion by submitting the PAF and promotion letter to the Office of the Chief Judge.
- Division for Programs and Professional services makes assignment to the JTDC Training Academy.

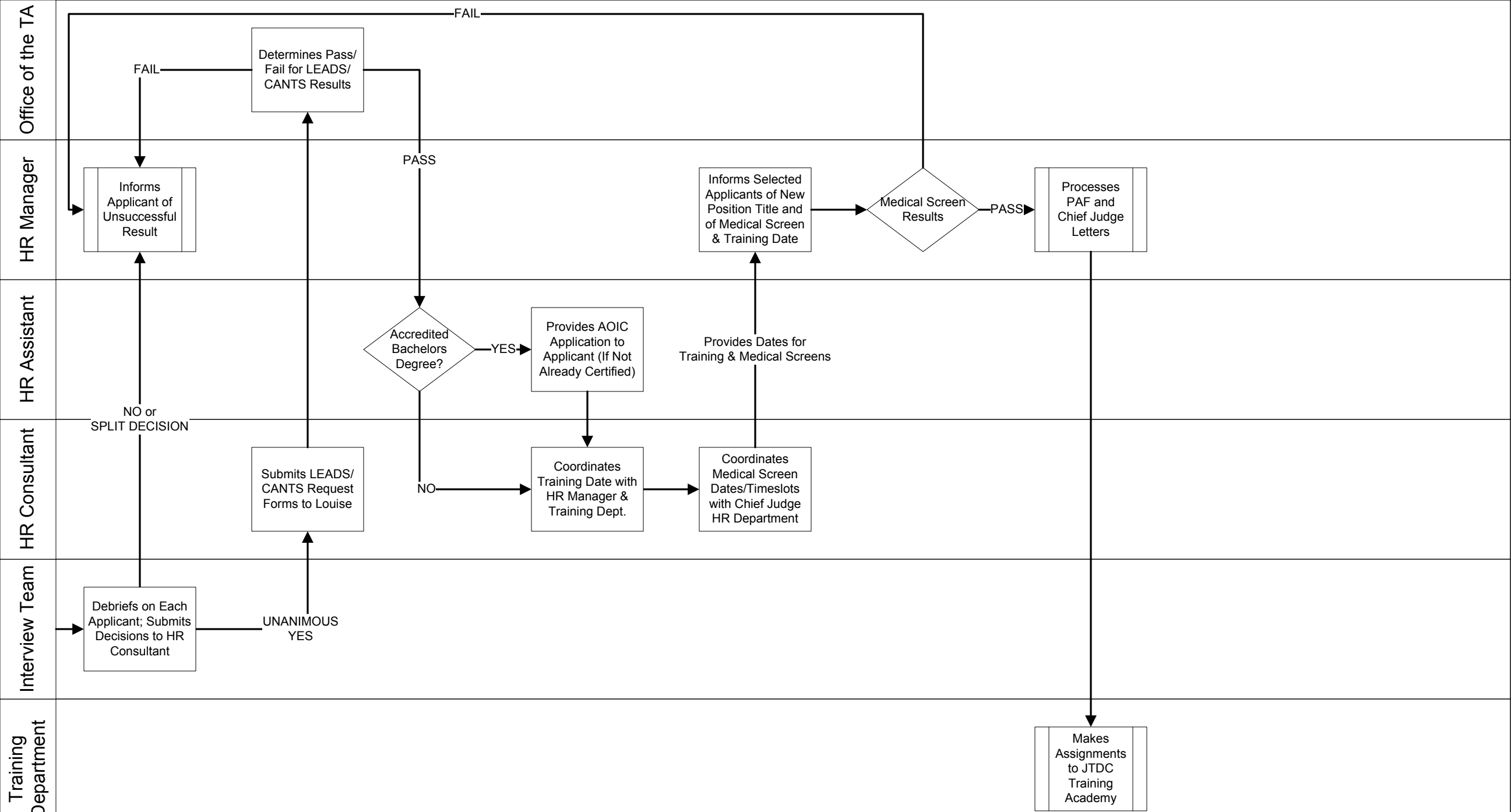
JTDC Hiring Process Map

Attachment C



JTDC Hiring Process Map

Attachment C



General Information

Case Name	Doe, et al v. Cook Co, et al
Docket Number	1:99-cv-03945
Court	United States District Court for the Northern District of Illinois
Nature of Suit	Civil Rights: Other