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A Message from JJI

Youth Justice – Separate and Unequal. That was the editorial heading from the Chicago Tribune in 2000, reviewing the state's policies for automatically prosecuting children under 18 in the adult court for drug offenses. The data at that time revealed that 393 children were tried in adult court over a one-year period – and only three were white. The Tribune concluded "Judges should be the ones to decide whether a child should be transferred to adult court, not a one-size-fits-all law."

Separate and unequal is still true for transfer decisions today. Nearly fifteen years later, a report released by the Juvenile Justice Initiative contained nearly identical statistics on transfer – a review of three years of transfer in Cook County revealed only one child tried in the adult court was white, and the outcomes were troubling, with more than half of the youth convicted of a lesser offense that would not have triggered adult court. The report calls for an end to "automatic" transfer, calling on Illinois officials to change practice and statutes to ensure individualized review in a juvenile court hearing with full due process to make this critical decision to try a child as an adult. You can read a review of the report on page 2. More than thirty years of data demonstrates these "automatic" transfers are failed policies that must end.

While still unequal, there is good reason to be hopeful. The numbers – of youth crime, of youth tried in adult court and of youth in prison – are all falling. Crime is falling as our policies and laws become more proportionate and fair. Seventeen year olds are now tried in juvenile court where there are the tools to emphasize individualized community alternatives. The fiscal reinvestment policies of Redeploy Illinois have reduced the number of youth in juvenile prisons to historic lows – under 750 – while expanding local intervention programs. While the population is low compared to the predictions (over 2,000 youth were predicted to be held in IL prisons by this decade), compared to other nations our numbers are still extraordinarily high. Illinois can do better – eliminating misdemeanor, low-level felony, and technical probation and parole violation commitments would dramatically reduce the number of youth incarcerated. Expanding Juvenile Redeploy to Cook County (responsible for over 40% of the state's commitments to youth prisons) would further reduce the numbers.

The National Academy of Sciences calls mass incarceration a failure and urges the U.S. to reduce our incarceration levels by eliminating mandatory sentencing, sentences for drug offenses and lengthy sentences (see report on page 12). The report highlights the extraordinary costs, both fiscal and societal, from our nation's unprecedented investment in mass incarceration. It is time to reverse course – and fiscal reinvestment programs like Redeploy Illinois are leading the way to reform.

Finally, this fall marks the 25th Anniversary of the adoption of the Convention on the Rights of the Child – the most rapidly ratified human rights treaty in history. Drafted in large part by US participants under President Reagan, the CRC is now ratified by all nations except – Somalia, South Sudan and the United States. A bi-partisan resolution by our Illinois House in 2010 urged the U.S. Senate to ratify the CRC, and encouraged Illinois agencies to comply with the fundamental protections for children in the convention. As a state, we are rapidly nearing compliance through prison reductions and raising the age of juvenile court to 18, but ratification would ensure sustainability of these critical reforms. Find out how to urge the U.S. to ratify by going to <http://www.childrightscampaign.org>.

Elizabeth Clarke, President

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Over 30 Years of Poor Outcomes and Racial Disparities in “Automatic” Provisions Trying Youth in Adult Court

A Juvenile Justice Initiative Report by Kanako Ishida

Only one white youth was among the 257 Cook County children charged with crimes requiring an automatic transfer to adult court in a recent three-year study period, and most of those children live in predominantly minority communities in the south and west sides of Chicago, according to a report released last Spring by the Juvenile Justice Initiative.

Racial disparities are not the only problem. Half the children end up convicted of lesser offenses offenses that would not have triggered adult court prosecution if charged appropriately at the outset. These poor outcomes and racial disparities reflect the same findings that have been consistently demonstrated in studies over the 30-year lifetime of these automatic transfer policies.

“Illinois is one of only 14 states to give this kind of extreme and non-reviewable power to prosecutors,” said study co-author David Reed, Board member of the Juvenile Justice Initiative (JJI). “Within hours or days of the arrest, law enforcement transforms a child into an adult through the mere filing of a charge - without any review of the minor’s background, mental health, or available resources in the juvenile system.”

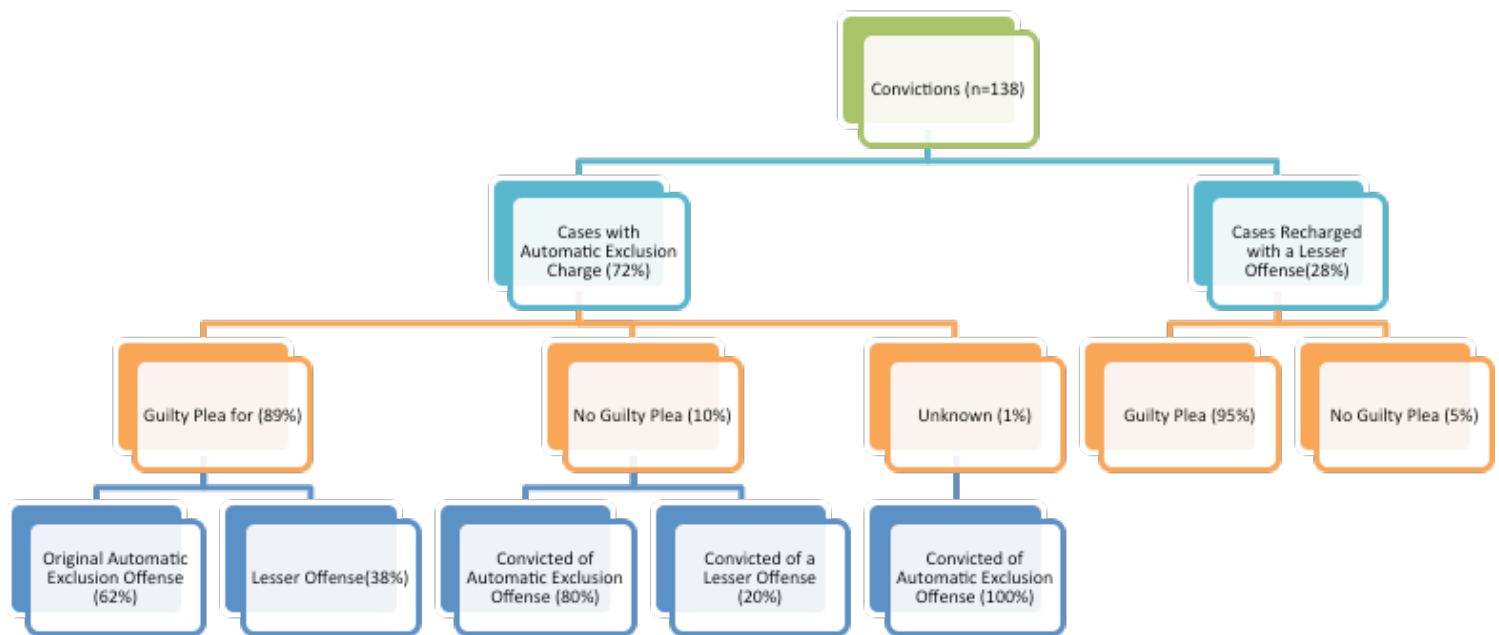
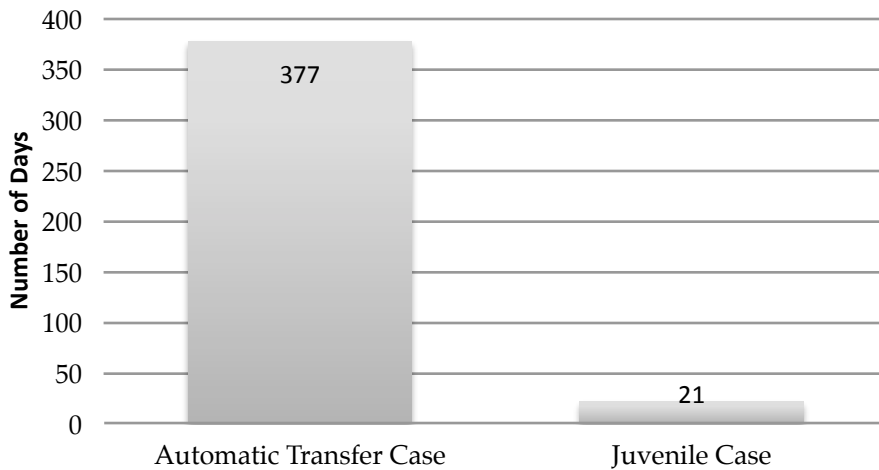
Findings

Contrary to a popular belief that the most serious offenders are tried as adults, murder accounted for only 13% of the top offenses (chart on right). Armed robbery with a firearm accounted for a third of the offenses. Also, 16% of the youth were recharged with a lesser offense (juvenile offense) *before* a trial or plea and remained in adult court, despite the statutory requirement that juveniles recharged with lesser offenses be prosecuted in juvenile court.

The findings of the research into the 257 automatic transfer cases in Cook County from 2010 through 2012 included the following:

- **The majority of convictions were for lesser offenses**— plea-bargained down to offenses that would not have triggered transfer and would have left the child in juvenile court.
- The majority of automatic transfer (90%) **entered pleas** - at no point was there a court hearing with any individual review.
- Automatic transfer **disproportionately affects children of color**. In three years of “automatic” trial of children in adult court in Cook County, only one child was white.
- A child awaiting trial as an adult spent a year or more in the Cook County Juvenile Detention Center. By contrast, one-half of the children charged in juvenile court spend a month or less in detention.
- Of the cases reviewed, 3% **were found NOT guilty**, 1% were nulled, 54% convicted, and 42% were still active.

Length of Stay in Cook Detention Ctr



It's time to change Illinois' transfer process.

End the unfair practice of automatically prosecuting a youth in adult court without a court hearing.

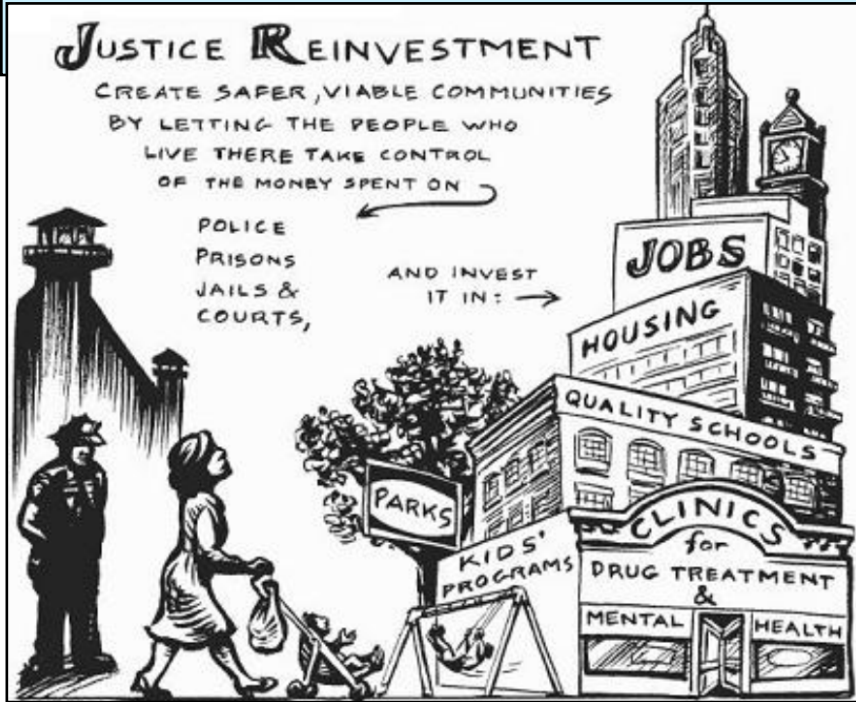
Judicial review is necessary to balance careful consideration of each individual case before trying a child in adult criminal court. Illinois House Assistant Majority Leader Elaine Nekritz (D-57) wants to bring fairness and due process to the transfer mechanisms used by the state. She is leading the way with [House Bill 4538](#) filed this past legislative session.

What This Bill Does: Amends the Juvenile Court Act of 1987 to restore judicial decision-making authority to determine whether a youth is tried in juvenile or adult court through a meaningful, individualized court hearing that takes into account the child's age, degree of participation in offense, and individual circumstances.

What This Bill Does Not Do: it does not prevent youth from being tried in adult criminal proceedings. Any child age 13 or older charged with any offense can be tried in adult court based on a juvenile judge's review considering a range of factors including seriousness of offense and background of the child.

View HB4538 here: <http://www.ilga.gov/legislation/98/HB/PDF/09800HB4538lv.pdf>

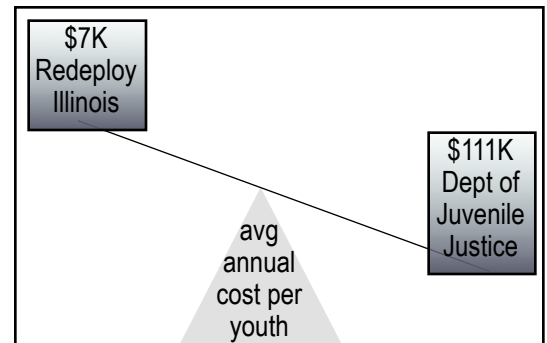
Redeploy Illinois Success

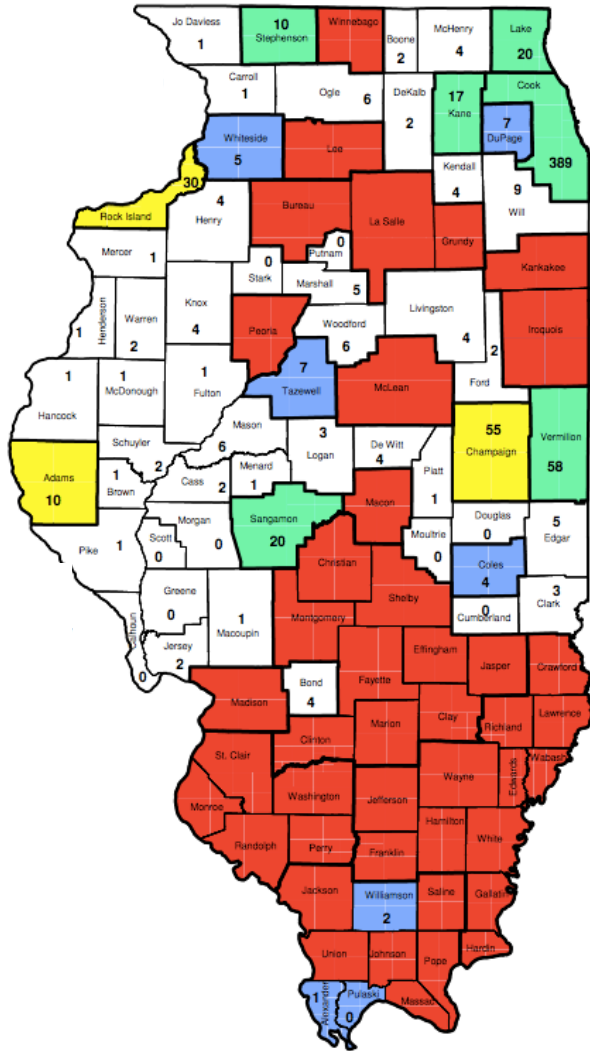


Both the Illinois General Assembly and Gov. Quinn held off budget cuts to the successful Juvenile Redeploy Illinois program for the upcoming fiscal year; the \$4.8 million annual allocation was maintained. This means the program can continue to support counties dedicated to keeping youth out of state prisons via less expensive and more successful community-based services. Over the past year, the program has expanded its reach, now serving 44 counties through 12 program sites. The newest Redeploy program sites include LaSalle, Kankakee, Winnebago, and Union County. Other Redeploy sites have also recently been approved to expand throughout their area, including: St Clair - adding Monroe, Randolph, Perry and Washington Counties; LaSalle has added Bureau and Grundy Counties; and Kankakee has added Iroquois County.

The [most recent annual report](#) for the Redeploy Illinois program, highlights the growing success of the program and the significant return on investment of taxpayer dollars.

- **Nearly \$12 million saved in 2012:** 238 fewer youth were committed to IDJJ because of the Redeploy Illinois program, saving Illinois taxpayers nearly \$11.7 million in unnecessary incarceration costs. Participating counties sent 1,036 juveniles to IDJJ in contrast to the 2,268 youth projected for these areas based on the previous three-year trends.
- **Nearly \$60 million saved over eight years:** in the first eight years of the program, participating counties sent 1,036 juveniles to IDJJ. This is a steep decline from the projected 2,268 youth that were likely to have been sent based on the previous three-year commitment trend; it represents a 54 percent reduction in IDJJ commitments over the life of the program. Through 2012, the Redeploy program diverted 1,232 youth saving the state a conservative \$60 million in unnecessary incarceration costs.
- **Use of detention decreased in Redeploy sites.** In 2013:
 - ✦ Illinois saw an increase in detention admissions of 23 percent while Redeploy sites averaged a 12 percent decrease.
 - ✦ Statewide detention centers experienced a 44 percent increase in average daily population, while Redeploy sites averaged a 13.4 percent decrease.
- **Long-term cost savings.** The program has already provided a second chance to 1,232 youth through 2012. By investing in these youth, Illinois can increase the population of law-abiding citizens and the contributions these individuals can make in their communities.
- **Evaluation shows success.** The research conducted in the pilot programs concluded that:
 - ✦ Redeploy effectively reduced IDJJ Commitments.
 - ✦ Redeploy is less expensive than a commitment to IDJJ.





**Project Nia
presents
Juvenile Justice in Illinois:
Data Snapshot**

In this snapshot [report](#), Illinois juvenile arrest, detention, and commitment data is analyzed in the context of the decreasing national juvenile crime rate and comparatively, across the youth population in Illinois. The intent of the report is to provide a broad overview of youth coming in to contact with the justice system.

Nationally, there has been a steady decrease in the rate of violent crime committed by juveniles and a decrease in number of incarcerated youth. But still, our nation continues to:

- lock up our youth at a much higher rate than other nations;
- mostly incarcerate young people for non-violent offenses;
- disproportionately target youth of color. Children of color ages 10-17 represent 16 percent of the overall population, but are overrepresented throughout the justice system population ---
 - * 34 percent of the children arrested;
 - * 38 percent of the children adjudicated;
 - * 68 percent of children in placement.

Illinois data reveal that the state followed national trends. Most youth come into contact with the law for misdemeanor offenses. The most common statewide offense resulting in juvenile arrest were property offenses. Children of color were “arrested at a much higher rate than white youth.” At the point of arrest, the population of black youth was three times greater than their representation in the general state population.

In Cook County, Illinois, the overrepresentation of youth of color in the arrest data is even more disparate. Black youth ages 5- 17 represented only 30 percent of the population in Cook County, but 72 percent of the children arrested.

Because this data review is not meant to be a research or analytic report, neither policy recommendations or conclusions are included.

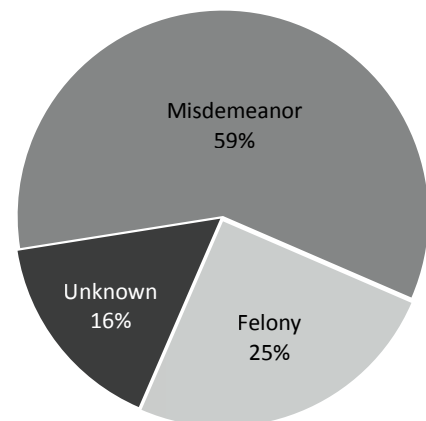
**JJI Analysis - Juvenile Arrests in Illinois:
Nearly 60% Misdemeanors**

View the report here: <http://goo.gl/Sab09d>

Every year, tens of thousands of youth are arrested in Illinois. While a large majority of juvenile arrests statewide do not result in formal charges, mere arrest records could have lasting consequences for youth, affecting everything from employment and housing to acceptance into college or the military.

In [JJJ's review](#) of the statewide arrest data for the timeframe of January 1, 2012 to December 31, 2012:

- 47,075 juvenile (age 10-17) arrests were recorded;
- **Nearly 60% (59.5 %) of juvenile arrests were for misdemeanors;**
- Less than 25 percent of juvenile arrests were for felonies;
- Class X felony and murder accounted for less than 2 percent of arrests.



Under Illinois law, a local police department is required to submit all juvenile felony arrest records to the State Police. However, this mandate does not apply to juvenile misdemeanor arrest records, which are permitted --- but *not required* --- to be sent to the state database.

Local police departments *could* under current law - and should - choose to keep juvenile misdemeanor arrests at the local law enforcement level rather than sending these records to the State Police Criminal Database. In light of JJI's analysis showing the majority of juvenile arrests are for misdemeanor offenses, this simple change in policy would have a huge and positive impact.

See JJI's data review here: <http://goo.gl/gUZRhq>

Illinois Takes a Step Forward in Juvenile Expungement Reform

On June 7th, Gov. Pat Quinn signed [Senate Bill 978](#), (Public Act 98-637) which takes a first step forward to address some of the lifelong consequences of juvenile arrest records. Beginning in 2016, the Illinois State Police will expunge *some* juvenile arrest records (from the state database) if the arrest never led to any filing in the juvenile court for delinquency proceedings; this new expungement process will apply to most misdemeanors and many low-level felonies committed after Jan 1, 2015.

This legislative initiative was sponsored by Chicago's Mayor, Rahm Emanuel, who joined a broad-based collaborative that has been advocating for juvenile expungement reform on the basis that youth should be able to have a "clean slate" after they turn eighteen for arrests that were never sent to Court. The legislation is a first step - the Mayor has **committed to working on further juvenile expungement reforms next year**, in partnership with bill sponsors, Illinois State Sen. [Kwame Raoul](#) (D-13) and Illinois State Rep. [Arthur Turner](#) (D-9).

Reforms accomplished by Public Act 98-637 include:

- providing an additional avenue for an individual to file a "Request for Expungement of Juvenile Law Enforcement Records" with the Illinois State Police (ISP). A rule will need to be promulgated by ISP delineating the process for this filing.
- simplifying the court expungement process for a large category of arrest records, and
- eliminating the ability of the State and ISP to object to a "Petition for Expungement" filed by an individual granted a pardon from the Governor specifically authorizing expungement.

This law is a first of many needed steps towards more comprehensive reform.

Additional issues that still need to be addressed: For young adults over 18 years of age, eligibility for arrest record expungement under Public Act 98-637 excludes:

- ♦ Any arrest which led to charges being filed in juvenile court (even if the charges were later dropped or dismissed, or the youth was found not guilty of the charges)
- ♦ Arrests for Class 2 felonies and above
- ♦ Arrests for any sex offense, including misdemeanors
- The eligible offenses will be prospective only; in other words, because this legislation is not retroactive, this form of expungement in the Illinois State Police database will only be applicable to eligible arrests after January 1, 2015.
- An additional eligibility requirement includes that the individual over 18 years of age has had at least six months since his/her last arrest.

- Eligible records will be expunged once a year, on Jan 1, starting in 2016 - so an individual who turns 18 on Jan 2, 2016 and meets all eligibility requirements, will not have their arrest records expunged until Jan 1, 2017.
- Arrests records are expunged from the ISP database under this process. This process does not expunge local arresting agency records and the Juvenile Division of the Clerk of the Circuit Court file. In order to obtain expungement applicable to all three systems, the already existing court expungement process.
- Records for prosecutions under municipal and ordinance violations are open to public view, even if the defendant is a juvenile whose records would have been confidential if he or she were prosecuted under the Juvenile Court Act for the very same offense.
- FBI rap sheets are not expunged (pre-2010 arrests).

Resource links:

SB978, P.A. 98-637: <http://goo.gl/4gqWNE>

Mayor Emanuel's Press Release: <http://goo.gl/TYWs9W>

Gov Quinn's Press Release: goo.gl/57ZlvY

Special thanks to Carolyn E. Frazier, Clinical Assistant Professor & Staff Attorney of the Children and Family Justice Center at Northwestern University School of Law's Bluhm Legal Clinic, who provided legal analysis.

DURBIN CALLS A HALT TO SOLITARY CONFINEMENT FOR JUVENILES.

U.S. Senator Dick Durbin, who chaired the first-ever hearing on the issue of solitary confinement, has now called for an end to the use of solitary confinement for juveniles (as well as for pregnant women and people with mental illness). "Thirty-five percent of juveniles in custody report being held in solitary for some amount time. The mental health effects of even short periods of isolation – including depression and risk of suicide – are heightened in youth," Sen. Durbin said.

<http://www.durbin.senate.gov/public/index.cfm/pressreleases?ID=c684591f-9197-4306-8af0-f9914117f287>

Illinois 2014 Spring Session Legislative Update

Juvenile-Specific Public Acts of the 98th General Assembly as signed by Governor Quinn

Public Act 98-637 (SB978)

Juvenile Expungement Reform

Sen. Raoul, Rep. Turner

See Page 9 for summary.

Effective January 1, 2015;

Prospective for application of annual "automatic" expungement for arrests/custody on January 1, 2015.

Retroactive application of a review process for arrest/custody occurring between January 1, 1985 through December 31, 2014 .

View: <http://goo.gl/f4XIVc>.

Public Act 98-669 (HB5707)

School Bullying

Rep. Cassidy, Sen. Steans

Amends the School Code in provisions concerning bullying prevention Defines "policy on bullying" and "restorative measures." Includes charter schools. Requires creation, maintenance, implementation, evaluation, re-evaluation of policy.

Effective June 26, 2014.

View: <http://goo.gl/O8eLsp>.

Public Act 98-685 (HB4083)

Detention Standards; DJJ ID Cards

Rep. Lang, Sen. Righter

Amends the Juvenile Court Act of 1987. Makes conforming changes for statutory alignment with the establishment of the Dept. of Juvenile Justice (DJJ) related to county juvenile detention standards and clarifying references to Dept of Corrections (DOC) and DJJ Directors and Codes. Provides that DJJ shall establish criteria youth identification. Provides timeframes regarding issued identification.

View: <http://goo.gl/3BykH0>.

Public Act 98-689 (HB4781)

IDJJ: Schooling, Hiring, Notification

Rep. Welch, Sen. Hunter

Amends the School Code. Opts DJJ out of some requirements for education staff certification and evaluation. Provides that DJJ personnel meet defined hiring requirements. Permits DJJ to make telephonic and electronic notifications to guardians about youth's whereabouts in DJJ (in lieu of certified mail notification). **Effective** Jan. 1, 2015.

View: <http://goo.gl/IvaFpk>

Public Act 98-803 (HB4495)

Minor-DCFS Custody Age

Rep. Flowers, Sen. Delgado

Amends the Children and Family Services Act and the Juvenile Court Act of 1987. Establishes a sunset provision to allow a two-year pilot during which time a minor less than 16 (rather than 15) years of age may be committed to the Department of Children and Family Services (DCFS) on and after January 1, 2015 and before January 1, 2017 under the sentencing order provisions of the Delinquency Article of the Juvenile Court Act of 1987 or a minor for whom an independent basis of abuse, neglect, or dependency exists.

View: <http://goo.gl/lmBtHZ>.

Public Act 98-1032 (SB2352)

DJJ Ombudsman

Sen. Steans, Rep. Cassidy

Amends the Unified Code of Corrections. Creates the Department of Juvenile Justice Independent Juvenile Ombudsman Law. Establishes appointment processes

and job duties including an annual report to the legislature.

Effective August 25, 2014.

View: <http://goo.gl/7Dky8F>

Public Act 98-1102 (SB2793)

School Code-Discipline Reporting

Sen. Hutchinson, Rep. W. Davis

Amends the School Code. Requires the Illinois State Board of Education (ISBE) to annually prepare a report on student discipline. Defines details of the report and requires this report to be posted on the Internet. Requires the ISBE to analyze the data and determine the top 20% (rather than top quartile) of school districts for the metrics, and makes changes concerning the metrics.

Requires the analysis to be based on data collected over 3 consecutive school years, beginning with the 2014-2015 school year. Requires school districts identified in the top 20% of any metric for 3 consecutive years to submit a plan identifying the strategies the school district will implement to reduce the use of exclusionary disciplinary practices or racial disproportionality or both, if applicable. Provides that the plan may be combined with any other improvement plans required under federal or State law. Further amends the School Code in the Charter Schools Article to require compliance with the requirements set forth in the amendatory Act. Report on student discipline shall include student discipline in State-authorized charter schools. Provides that the report shall include data from all public schools within school districts, including district-authorized charter schools. With respect to certain of the metrics calculations, defines "total district enrollment by the last school day in September". **Effective** August 26, 2014.

View: <http://goo.gl/j8oTgt>



CROSSROADS FOR CHANGE BUILD, PREVENT, RESTORE

MACON COUNTY HOSTS JUVENILE JUSTICE SYMPOSIUM

DECATUR - On June 25th, the Juvenile Justice Initiative joined the Macon County Juvenile Justice Council to launch an event engaging the Macon community in planning for, and responding to, youthful misbehavior. This dynamic forum was an example of how local leaders ignite community engagement to address complex issues, challenges, and opportunities presented when systems attempt to respond to the fact that kids make mistakes.

Over 150 Macon County community members attended the event focusing on expanding efforts to prevent youth from becoming involved with the juvenile delinquency system, building effective intervention opportunities to improve rehabilitation outcomes for those youth who do come into contact with the formal juvenile justice system, and opportunities for the Macon community to help achieve these goals. Attendees included law enforcement, policymakers, church groups, educators, judges, advocates, service providers, youth, parents, business professionals, public health officials, attorneys, and members of press. James Bell, the nationally acclaimed Director of the W.



James Bell, Director of the W. Haywood Burns Institute for Juvenile Justice and Equity, presents attendees with a framework for youth justice, challenging the status quo approach in a call to revisit the "way things have always been

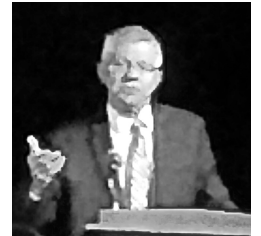
Haywood Burns Institute, was the keynote speaker.

The event was the initiative of the Honorable R.C. Bollinger, a Macon County Judge, who recognizes that responding to juvenile delinquency begins within the community long before a youth appears in his courtroom, making it imperative that the community have involvement in planning and responding to the needs of Macon County youth. Macon County is already an engaged participant in the Redeploy Illinois program, which provides the juvenile courts less restrictive, more effective means to address delinquency and hold youth accountable for their actions.

Judge Bollinger was joined by Macon County State's Attorney Jay Scott and Macon Public Defender Rodney Forbes to present the current landscape of juvenile justice in Macon County. The Honorable George Timberlake, chair of the Illinois Juvenile Justice Commission, followed to provide a statewide context detailing promising practices within the state. He explained that "incarceration is a failed policy" and not an option to effectively address mental health and substance abuse issues of delinquent youth.

For related press info, visit www.jjustice.org/macon.

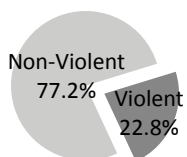
The Hon. George Timberlake, Illinois Juvenile Justice Commission Chair & JJI Board member.



Panelists discussion. From left to right: Macon County Public Defender Rodney Forbes; Macon County State's Atty Jay Scott; Judge Timberlake, Illinois Juvenile Justice Commission Chair & JJI Board member; Macon County Judge R.C. Bollinger; James Bell, Director of the W. Haywood Burns Institute for Juvenile Equity; Keyria Rodgers, Macon County Teen Court Administrator.

Macon County Data Snapshot

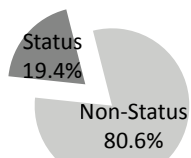
Juvenile Arrests by Offense Type



• **Non-violent arrests** accounted for **77.2%** of juvenile arrests in CY13.

• **Violent arrests** accounted for **less than 23%** of juvenile arrests in CY13.

Juvenile Arrests by Status Offenses



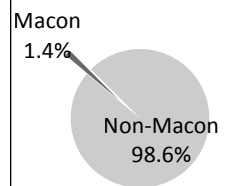
* includes city ordinances

• Most common arrest offenses were for theft and status offenses in CY13.

• **Status offenses** accounted for approximately **19.4%** of arrests, of which 191 were for runaways in CY13.

• Macon youth comprise a small fraction of the total

number of youth committed to the IDJJ each year: **1.4 percent** in SFY13.



Note: status offenses are non-delinquent/non-criminal infractions that would not be offenses but for the youth's status as a minor such as running

Summit on Counsel for Children During Police Interrogations

The April 24th Summit on Counsel, co-sponsored by the Juvenile Justice Initiative and the Mansfield Institute for Social Justice and Transformation, explored a child's right to counsel during police questioning. The Summit was made possible by support from the Field Foundation. Attendees learned about the practices and trends in Europe and examined suggestions for implementation of a station-house right to counsel for children in the United States.

Opening remarks began with Aurie Pennick, Executive Director of the Field Foundation of Illinois, and a passionate call for action by [Illinois State Senator Patricia Van Pelt](#) (D-5). Both speakers emphasized the importance of recognizing that youth have different needs from adults in making the complex decision to waive *Miranda's* right to counsel during police questioning. Sen. Van Pelt outlined the protections proposed in SB 3012, sponsored by [Illinois State Sen.](#)

[Heather Steans](#) (D-7). Sen. Van Pelt is a chief co-sponsor of this bill.

Jodie Blackstock, Director of Criminal and European Union Justice Policy at JUSTICE in the United Kingdom, presented the keynote address reviewing a recent



Jodie Blackstock, Director of the Criminal and EU Justice Policy Center at JUSTICE, presents the European practice for providing counsel to children in police stations.

EU Court decision requiring access to counsel for juveniles and adults during police questioning. The decision is leading to broad-based reforms in legal representation at earlier stages of contact with law enforcement. She discussed challenges and opportunities based on the experience of over twenty years of requiring counsel during police questioning in the U.K.

Founder and immediate past director of the Children and Family Justice Center at the Northwestern School of Law, Bernadine Dohrn spoke to the audience about the complex legal decisions children face during police questioning in the



Bernadine Dohrn, Founder of the Children and Family Justice Center at Northwestern University School of Law

United States. Michigan Litigator, Deborah LaBelle moderated a thoughtful panel with Blackstock and Dohrn on concrete ideas for implementation in the U.S. A second panel identified opportunities for Illinois to engage in this important reform. Panelists included Randolph Stone, Director of the Criminal and Justice Project at the University of Chicago Law School's Mandel Legal Aid Clinic, and Eliza Solowiej, Executive Director of First Defense Legal Aid.

The presenters all highlighted the critical need for the protection of counsel for children - especially children at risk of adult court prosecution. JJI will continue to advocate for provision of counsel to youth during police interrogations.

Resources- Summit presentation:

<http://goo.gl/bZUHVW>

SB3012: <http://goo.gl/Y2T04W>

JJI factsheet: <http://goo.gl/qxm2o7>



The Honorable Patricia Van Pelt, Illinois State Senate, 5th District, takes a moment for a photo with a fellow advocate before she begins her opening remarks for the session.



International Perspective

The Juvenile Justice Initiative invited Jodie Blackstock, Director of Criminal and European Union Justice Policy at JUSTICE, to present at the Summit on Counsel for Children during Police Interrogations. During her stay, Jodie visited the Cook County Juvenile Temporary Detention Center, joined various meetings including Illinois Juvenile Justice Leadership Council. After her return, Jodie reflected upon what she observed in Chicago.

Q: Who is considered a child in UK and Europe?

A: The lower age of criminal responsibility in many EU countries is 14 years, and in some even 18 years. This means that children receive an entirely different response to their offending behaviour, always community based and child-focused. It is more of a civic response to anti-social behaviour, without criminal punishment or criminal records. Even in the UK, youth courts deal with the majority of child offending very differently to adults.

Q: What is your overall impression of the juvenile justice system in the U.S.?

A: There appears to be a concerning trend towards punishment orientated sentences, based upon police investigation with insufficient scrutiny by an independent judicial arbiter or quality defense attorney. This is re-orientating the system away from one of adversarial, State led allegations that must be proven beyond reasonable doubt, to inquisitorial, front loaded agreements with inadequate safeguards.

Q: What are the main differences that struck you between the U.S. and UK & Europe in terms of juvenile justice?

A: The role of the defense lawyer seems to be under utilised at the early stages of a case during the police investigation, and crucially, interviews in police custody. This is a real concern since admissions of a suspect during police interview frame the case against them. The most significant difference is that there is no facilitation of this role by the State – no public funding, and no process of being informed of the right by police officers so that it can be meaningfully exercised.

Q: How are the jails (youth detention centers) different?

A: In the UK the juvenile prison population has massively declined in recent years as focus is placed on diversion from the justice system, and community rehabilitation. As such, most children are housed in much smaller detention centres than the one I visited [the Cook County Temporary Juvenile Detention Center].

Q: What advice do you have for the United States for reforming its juvenile justice system based on your experiences of what works in the UK?

A: Imprisoning children does nothing but create criminals out of disadvantaged and disaffected young people in need of support and guidance. Reinvesting some of the millions of dollars spent on detention facilities, in providing quality legal representation is a primary guard against injustice. Funds should also be directed at supportive, restorative and rehabilitative programmes in the community to enable children to realise their potential rather than remove them from society before having a chance to contribute.

International Comparative Law CLE hosted by JJI

Seminar examines Germany's Success Using Juvenile Sentences for Young Adults

On June 6th, the Juvenile Justice Initiative hosted a CLE, Juvenile Justice Comparative Law. The attendees for the full day seminar at the law offices of Jenner and Block learned about:

- Comparative juvenile court practices in the U.S. and abroad;
- The United Nations Convention on the Rights of the Child (UNCRC) and its application in Europe;
- Differences in the application of the right to legal counsel in Europe as compared to the U.S.;
- Lawyers' professional responsibility to follow UNCRC, and
- Germany's success treating Young Adults (up to age 20) with juvenile justice sanctions and services.

The session featured comparative law expert, Dr. Ralph Grunewald, Legal Studies Program and Director of Undergraduate Studies at University of Wisconsin, Madison. Grunewald (shown on right) shared his unique perspective regarding comparative law based upon his legal work in Germany and the U.S.



In Germany, young adults (up to age 20) can be given juvenile sentences, especially for serious criminal offending. There is broad recognition that juvenile sentences work better than adult punishment, and that young adult offenders are best served in the community with the response focused on reform and rehabilitation rather than retribution and removal from society.

View the CLE materials here: <http://goo.gl/HE9S3s>.

National Call to End Mass Incarceration

The National Academy of Sciences has released a new report calling on the U.S. to “significantly reduce” its rate of incarceration. A comprehensive review of data led the reviewers to conclude that the costs of the current rate of incarceration outweigh the benefits. The committee recommended that federal and state policymakers **re-examine policies requiring mandatory and long sentences, as well as take steps to improve prison conditions and to reduce unnecessary harm to the families and communities of those incarcerated. In addition, it recommended a reconsideration of drug crime policy**, given the apparently low effectiveness of a heightened enforcement strategy that resulted in a tenfold increase in the incarceration rate for drug offenses from 1980 to 2010 — twice the rate for other crimes.

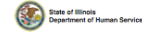
The report documents that incarceration has quadrupled in the U.S. since 1972, and that this 4-fold increase in incarceration is unprecedented in U.S. history and unique internationally. Two major policy drivers were longer sentences and mandatory minimums. There is no direct statistical correlation with reduced crime, but there is clear evidence that the profound racial disparities in the incarceration build-up in the U.S. have had a devastating impact on poor communities of color. Two million children now have a parent in prison, and an African-American male who is a high school dropout is not more likely to be in prison than working.

The report calls on states to dismantle mandatory minimums and harsh drug policies, and urges that the use of prison be predicated on four principles:

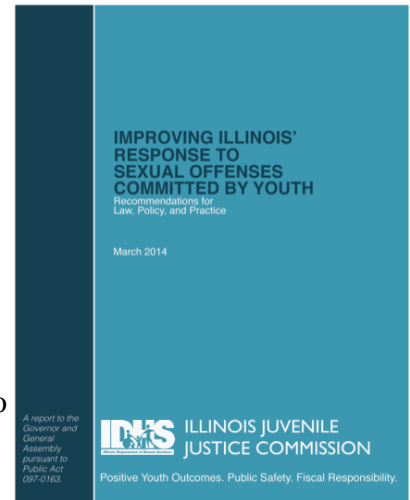
View report here: <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=18613>

- **Proportionality** – we should not punish people beyond the severity of their crime
- **Parsimony** – the state has no right to inflict pain upon a person beyond that necessary to achieve a legitimate social purpose
- **Citizenship** – persons must be treated with human dignity in order to enhance their citizen status when returned home
- **Social Justice** – prison should be a pillar of justice with a clear social purpose

Law, Policy, and Practice Recommendations



On March 25th, the [Illinois Juvenile Justice Commission \(IJJC\)](#) released its new report, [Improving Illinois' Response to Sexual Offenses Committed by Youth](#). Illinois law enacted in 2012 directed the IJJC to conduct a study of the effective treatment and supervision of youth who are adjudicated delinquent for a sex offenses. This report provides a comprehensive review of current legal requirements and evidenced-based interventions to garner detailed policy recommendations.



The analysis highlights how youth are different from adults offenders in their behaviors and responses. In accordance, interventions and system-responses must vary to meet these needs. Laws and practices should be revised in the interest of public safety, cost-effectiveness, and in order to hold youth accountable in a meaningful way to accomplish rehabilitation.

Report recommendations:

1. *Illinois should develop and implement professional best practice standards and provide current, objective, and evidence-informed training for professionals who work with youth offenders and victims of sexual abuse.*
2. *Illinois should equip courts and communities to intervene effectively with individualized, community-based, family-focused services and supervision. Consistency is necessary in evaluation of treatment risks and needs, in addition to individualized court responses and service-provision.*
3. *Illinois should remove young people from the state's counter-productive sex offender registry and end the application of categorical restrictions and collateral consequences. Despite a lack of evidence for public safety, Illinois is among 20 states placing youth on registries with no consideration for reoffending risk.*

View the report here: <http://goo.gl/JZT7Q9>

It's been 14 years since JJI was born.
 JJI has made significant changes in Illinois' juvenile justice policies to ensure fair, effective and individualized treatment of children in conflict with the law.

JJI Key Accomplishments

- **"Raised the age"** to keep 17 year olds in juvenile court for misdemeanors and felonies.
- **Eliminated automatic transfer** of children to adult court for drug offenses.
- Successfully promoted **"least restrictive alternative standard"** to ensure incarceration is the last resort for children.
- **Eliminated state reporting** of individual juvenile arrest records to federal authorities.
- Ensured early appointment of counsel to children in detention.
- Helped create and expand **"Redeploy Illinois,"** a program that has reduced the number of children incarcerated by an average of 54% to date.

Support JJI's Juvenile Justice Reform Efforts

The Juvenile Justice Initiative is an independent, non-governmental advocacy entity that exists on contributions from foundations and individuals. Through the printing of research reports, newsletters, and a website, as well as the provision of workshops and conferences, we have been able to share current research and legislative information. Please consider a donation to JJI so we can keep providing you with timely information on juvenile justice issues. In an effort to update our database, please fill out the form below and return it with your donation. Please call us if you have any questions at: (847) 864-1567.

Juvenile Justice Initiative Donation Form

Name: _____ Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Email address (for online notification of news & events):

Donation to

Support JJI Newsletters: \$35
 Juvenile Justice Initiative Friend: \$50
 Juvenile Justice Initiative Supporter: \$100
 Juvenile Justice Initiative Patron: \$500

Please mail this form and cash, check or money order payable to:

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 518 Davis
 Evanston, IL 60201

Juvenile Justice Initiative
 518 Davis St., Ste. 211
 Evanston, IL 60201
www.jjustice.org

J J I I N T H E N E W S

Associated Press

Study: Minority kids hit hardest by Illinois law — April 22, 2014

<http://www.saukvalley.com/2014/04/22/study-minority-kids-hit-hardest-by-illinois-law/ajqm5tv/>

SPRINGFIELD, Ill. (AP) — A 32-year-old Illinois law that requires juveniles accused of the most serious crimes to be charged as adults may be discriminatory, prevents judges from exercising their judgment and makes it more likely that those who are convicted will commit violent crimes in the future, according to a study released Tuesday.

The nonpartisan Juvenile Justice Initiative reviewed 257 Cook

County cases from 2010 to 2012 ... [and] found that 54 percent of the defendants whose cases were automatically transferred to adult court ultimately pleaded guilty to a lesser charge that wouldn't have triggered such a transfer in the first place.

By leaving juvenile court, ...the defendants lose their best chance at rehabilitation and often go to prison with adults; later, they have higher recidivism rates for violent crime.

Chicago Tribune

Video Visits no Substitute for In Person Voice of the People, Feb. 01
 February 01, 2014

JJI's Founder & President, Elizabeth Clarke, shared her opinion on video visits at Illinois jails on the Chicago Tribune, noting that nothing can

replace the comfort and humanity of a physical visit by families at prisons, jails and detention centers. Read more: http://articles.chicagotribune.com/2014-02-01/opinion/ct-vp-voice-letters-0201-20140201_1_sexual-assaults-child-detention

WBEZ 91.5

Illinois counting on Cook County program to fix juvenile parole
 June 9, 2014

Almost nine out of every 10 kids who spend time in Illinois youth prisons end up going back to prison within three years of their release. Everybody involved agrees that a key solution is getting these kids a special kind of help so they can stay out of prison. ...[JJJ's] Clarke says fixing parole has been a key goal of the agency since it began eight years ago. And she's frustrated they still haven't gotten it right. Read more: <http://www.wbez.org/news/illinois-counting-cook-county-program-fix-juvenile-parole-110308>



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