Three outstanding champions for human rights for children in conflict with the law, Lawrence Wojcik (DLA Piper), Candice Jones (former Director, IL Dept. of Juvenile Justice) and Randolph Stone (Univ of Chicago Law School), pictured above, were honored at the JJI annual fall event - the same historic day (Oct. 6th) that the Illinois Supreme Court issued new Rule 943 prohibiting indiscriminate shackling of children in court - a true celebration!

JJI Reform:

Children (under 15) Get Lawyers During Interrogation

As of January 1st, 2017, children under the age of 15 must have a lawyer during interrogation by the police in homicide and sex offenses. The new law (P.A. 99-0882) also requires videotaping of all felony and some misdemeanor offenses for all children under the age of 18. JJI has advocated for similar reforms for over a decade. The bi-partisan bill championed by Sen. Patricia Van Pelt and Rep. Barbara Currie passed both chambers with unanimous roll calls. This past June marked the 50th anniversary of M iranda v. Arizona, and P.A. 99-0882 helps advance the Miranda Court’s protections for counsel for children.

Less than 1% of Chicagoans have lawyer during interrogation – The Chicago Police Accountability Task Force found last Spring that less than 1% of children and adults have lawyers during custodial interrogation.

Children do not understand their rights during interrogation – Research has shown that children do not understand the “Miranda warning” and do not understand the implications of making a statement to the police. Research also shows children are more likely than adults to make a false confession. Children should not be allowed to waive their constitutional right to legal counsel without the advice of a lawyer.

While we do not believe this reform goes far enough – we think all children should be represented by lawyers while being interrogated by the police, as is done in the U.K. and in Europe.
“Just knowing that there are people like you out there fighting for people like me who got locked up when we were just teenagers and sentenced to die in the penitentiary, you have inspired me……the hope that you have given me is priceless.”

Children in Detention in Cook County get Weekend Hearings, thanks to JJI

This past Spring, JJI continued advocacy for 24/7 court review of the critical decision to place a child in detention. Research establishes that significant harm comes from the decision to detain a child - and detention increases the risk of future offending. Yet, while detention numbers have decreased across the state, children continue to be placed in detention over the weekend and holidays for non-violent offenses and warrants without a court review (across the state, juvenile courts meet only M-F, 9-5).

Weekend hearings successful in Cook - Now, thanks to JJI advocacy, Cook County began weekend detention hearings on Nov. 5th. The first month of weekend review resulted in half (53%) of the children up for review released, most on electronic monitoring. Kudos to the Court and all stakeholders for stepping up to the challenge of a new court procedure with such professionalism and success.

At least two more counties have plans to begin weekend review - Madison and DuPage. Many thanks to Rep. Robyn Gabel for her leadership on this issue.

FEWER CHILDREN IN PRISON as three Former Juvenile Facilities are Repurposed

The number of children in statewide juvenile prison continues to fall - now under 400. This is a 2/3 reduction from the 1200 juveniles incarcerated prior to raising the age of juvenile court from 17 to 18. Smarter use of local diversion and individualized sentencing with an emphasis on community sanctions and proportionate “right-sizing” to end incarceration for low level (misdemeanor) offenses have contributed to the dramatic drop.

The reduction led to the closure of three of the eight juvenile prisons. JJI testified at public hearings on all three closures and urged the state to repurpose the facilities – and the state is following through on the recommendations.

REPURPOSING CLOSED JUVENILE PRISONS.

Illinois continues its march towards smarter justice investment through recent repurposing of the three closed juvenile prisons – two (Murphysboro and Kewanee) to reopen as adult life skills and reentry programs, and former IYC Joliet as a mental health treatment center. This represents a vital commitment towards reentry for adult offenders while addressing underlying deficits in life skills and mental health.

JJI applauds the state for this shift away from ineffective and harmful juvenile prisons toward repurposed reentry and life skills program centers and individualized community based sanctions. IL joins at least 22 states that have closed/announced closures at 94 state prisons/juvenile facilities - many have been repurposed. See Repurposing: New Beginning for Closed Prisons, policy brief, sentencingproject.org.
Earlier this month I had a chance to tour the new National Museum of African American History and Culture in Washington D.C. One exhibit in particular struck me – it was a set of shackles that had been used on enslaved African Americans. It struck me because over two years ago when JJI began advocating to end the use of shackles on children in court, one of our staff had an opportunity to visit with a professor specializing in juvenile justice in Tokyo. She was told shackles are not used on children in Japan - that the use of shackles is an American practice, a holdover from slavery.

The exhibit of the old slave chains dramatically confirmed the historical precedence – a photograph demonstrates the similarity between slave chains from the 1800's and shackles today.

Illinois has now taken an important step to rectify this egregious historical holdover. As of November 1, 2016, the Illinois Supreme Court by rule provides that instruments of restraint shall not be used on a minor during a court proceeding unless the court finds, after a hearing, that such restraints are necessary to prevent physical harm to the minor or another, the minor has a history of disruptive behavior that presents a risk of harm, or there is a well-founded belief that the minor presents a substantial flight risk.

The proposed rule was originally offered by a number of state and national organizations, including the Illinois Justice Project, the Children and Family Justice Center of the Bluhm Legal Clinic, the Juvenile Justice Initiative, the National Center for Mental Health & Juvenile Justice, and as part of a national campaign to end the use of shackles on children by the National Juvenile Defender Center. The rule received overwhelming support from state and national juvenile advocacy organizations, the Illinois Attorney General, public guardians and public defenders, and a retired judge. "The amendments adopted by the Court will eliminate instances of indiscriminate shackling of minors in juvenile delinquency proceedings that were occurring without an individualized judicial determination," said Chief Justice Garman, "The rules govern the manner in which minors are to be shackled in juvenile court while ensuring that judges retain the discretion to make a case-by-case determination to use restraints when necessary to maintain safety and security in their courtrooms."

Illinois joins a national trend - 23 states have curtailed the practice of juvenile shackling through legislation, case law or court rule-making authority, policy or orders.

It is time to end this practice altogether.

As Martin Luther King, Jr. said:

We are determined.....to work and fight until justice runs down like water and righteousness like a mighty stream.
IL Courts Grapple with Issues of Children in Adult Court

In the 1990’s there was a rush to prosecute children in adult court by expanding laws for “automatic” transfer of children to adult court based on age and the charge at the time of arrest. As research on the laws increased, it became clear that adult prosecutions of children were profoundly unfair and resulted in poor outcomes, including an increase in repeat offending. Based on the research, the legislature began scaling back automatic transfer provisions. The most recent reform ended automatic transfer for fifteen year olds and for children charged with armed robbery with a firearm. The reform left uncertain whether it was to be applied retroactively.

Now, a recent decision out of the Illinois Supreme Court held that that the new automatic transfer law is retroactive – meaning that children charged prior to the effective date of the new law (1-1-16) must be remanded to juvenile court. See the court’s opinion at http://www.illinoiscourts.gov/Opinions/SupremeCourt/2016/120729.pdf.

Other recent reforms have come from the U.S. Supreme Court, which eliminated mandatory life without parole as a sentence and held the change retroactive, based in part on brain science establishing that children are different from adults. This wave of reform has left a sea of uncertainty regarding which cases are subject to review. State courts (UT and MASS) have included the international consensus against life sentences for juveniles (in the CRC, ratified by every nation except the U.S.) in their analysis.

Finally, the voters are weighing in on the issue of adult prosecutions of children. This past fall, voters in California decisively voted in favor of limiting adult prosecutions of children to cases where juvenile courts first reviewed the case and approved the decision to transfer to adult court (Cal. Prop. 57).

The sooner IL ends automatic transfer of children to adult court, and turns back the clock to a proportionate range of sentences for children who are sentenced in adult court, the better. Not only will reform end uncertainty regarding prosecution and sentencing of children in adult court – it will ensure that our court practices coincide with research on best practices and with the national and international consensus in favor of proportionate and fair treatment of children in conflict with the law.

GLOBAL STUDY UNDERWAY ON CHILDREN DEPRIVED OF LIBERTY

Children deprived of liberty are exposed to increased risks of abuse, violence, acute social discrimination and denial of their civil, political, economic, social and cultural rights; certain disadvantaged groups are more affected than others; and society is affected at large as deprivation of liberty tends to increase social exclusion, recidivism rates, and public expenditure. The Global Study on Children Deprived of Liberty will shed light on the scale and conditions of children deprived of liberty, identifying good practices and making recommendations for effective measures to prevent human rights violations against children in detention and reduce the number of children deprived of liberty.

For more information go to: www.childrendeprivedofliberty.info
National Call to Replace Youth Prisons with Community Alternatives

The National Institute of Justice issued a new report this fall calling for an end to the youth prison model. The report calls on states to replace youth prisons with a continuum of community programs, based on research that documents better outcomes for public safety and for positive youth growth from community-based alternatives.

HERE’S THE PLAN: REDUCE, REFORM, REPLACE AND REINVEST

The research is clear: Youth prisons damage the very people they are supposed to help. To reorient this broken system, we must take four action steps. These are:

1) reduce the pipeline into youth prisons by at least half;
2) reform the culture that wrongly assumes locking up kids makes us safer;
3) replace youth prisons with a range of services that will really help kids; and
4) stop spending money on what doesn’t work and reinvest it in a community-based system that does.

http://www.aecf.org/resources/the-future-of-youth-justice/

LOCKING UP FEWER KIDS IS GOAL OF NEW ILLINOIS LAW

This article from last Jan. reminds us of the consensus in Illinois to end the detention of elementary school age children.

SPRINGFIELD, Ill., 1.4.16 - Illinois now has several new laws in effect aimed at keeping teens out of the state prison system. One group is praising the change in particular, which could affect some of Illinois’ youngest residents.

The amendment to Illinois’ Juvenile Court Act now says children under 13 should not be sent to county detention facilities. Instead, law enforcement agents will first have to contact a local youth service provider to find temporary housing for the child. Elizabeth Clarke, president of the Illinois Juvenile Justice Initiative, says the state is taking another step in the right direction.

"We want to do no harm," Clarke says. "We know that detention, even for one night with such a young child, could do a great deal of harm."

The change went into effect on January 1, 2016. It says if a provider is not able to enroll a young child in a program, only then can the child be placed in detention. Clarke points to a Northwestern University study which shows youth detention can have negative, long-term mental health effects on children and teens.

Ultimately, the goal is to help reduce the state’s youth prison population. Raising the age for children in detention earned bipartisan support... The move is in line with lawmakers working for restorative justice programs, and also conservatives who want to cut state spending on the prison system.

http://www.publicnewsservice.org/2016-01-04/juvenile-justice/locking-up-fewer-kids-is-goal-of-new-illinois-law/a49662-1

“We want to do no harm. We know that detention, even for one night with such a young child, could do a great deal of harm”
You have made our work protecting the rights of children possible.

Thank you for your generosity!

Drawing and message by young man serving juvenile life sentence in Illinois

Please Support JJI

Visit our website www.jjustice.org to make an online gift, or mail a check payable to “JJI” to the following address:

Juvenile Justice Initiative
518 Davis Street, Suite 211
Evanston, IL 60201

If you have any questions, please call us at (847) 864-1567.