

HB5619 Rep. Gabel-Flowers-Feigenholtz-Wallace-Jackson Sr., Guzzardi, Fine, Ammons, Ives, Soto, Ford, Martwick, Conroy

24/7 Review of Decision to Detain a Child

Senator Sponsors: Senators Trotter-Van Pelt - Collins

What This Bill Does:

HB5619 requires that children who are taken into custody and detained get a review of the detention decision within 24 hours, including weekends and holidays, as is done for similarly situated adults.

Why This Bill is Needed:

Current law provides that children have a right to a review of the decision to detain them **within 40 hours excluding weekends and holidays**. This means a child detained on a Friday, before a Monday holiday, will not have their detention decision reviewed until at least the following Tuesday. Adults get a bond hearing before a judge “without unnecessary delay” typically within 24 hours, 7 days a week (including holidays).

**Detention is a last resort to be used only when urgent and immediate necessity.
Illinois lacks a validated uniform detention screening instrument.
Safeguards are necessary to ensure detention the last resort.**

Detention Harms Children:

- Children who have spent time in detention are **39 percentage points less likely to graduate from high school** than other public school students from the same neighborhood.
- Children held in detention are isolated from their families, their schools and their communities, and **studies reveal significant harm to children from even a short period of confinement in detention** – such as increased suicide or suicide ideation, higher recidivism and schooling disruption.
- The overall mortality rate of juvenile detainees is more than 4 times the rate in the general population.
- Confinement can delay children’s natural development that allows them to “age out” of delinquency – **research documents that detained children are more likely to reoffend compared to their peers.**

Detention Admissions 2014-15	Statewide		Cook County	
	2014- 12,040	2015 – 11,117	2014- 4,398	2015- 3,439
Year & Total Detention Admissions				
Weekend Detention Admissions – % of total admissions & Number	25% (3,150)	27% (3,001)	27.6% (1,215)	30.4% (1,045)
Monday Release – % of Weekend Detentions & Total	25% (771)	26.5% (794)	24.9% (303)	28.2% (295)

Other Models Exist: New Jersey’s statute regarding detention hearings states the following “The initial detention hearing shall be held **no later than the morning following the juvenile’s placement in detention, including weekends and holidays.**” NJ Rev Stat sec. 2A:4A-38(e) (2013). See full statute here:

<http://goo.gl/4Xf3Tz>

Illinois must follow this best practice and ensure all juveniles get released from detention as soon as possible.

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SUPPORTERS OF THIS BILL INCLUDE:

ACLU of Illinois
Cook County Justice for Children
Illinois Collaboration on Youth
Illinois Department of Human Services
Illinois Justice Project
Illinois Juvenile Justice Commission
Illinois PTA
Illinois State Bar Association
John Howard Association
Juvenile Justice Initiative
Shriver Center on Poverty Law