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Moline Dispatch and Rock Island Argus

June 10, 2015

Editorial: Right-size criminal justice system; keep kids out of it

As an epic budget standoff continues to roil Springfield, it's easy to forget that the battle between Speaker Michael Madigan and Gov. Bruce Rauner isn't the only thing lawmakers have been busy with this spring.

In fact, they've done some important things very right, starting with passing what justice advocates are calling significant reform legislation "right-sizing the criminal justice system and expanding restorative justice opportunities to keep juveniles out of the system."

For example, among the measures sitting on Gov. Rauner's desk are bills designed to reduce the number of juveniles automatically transferred to adult court as well as those who automatically join the adult prison population.

If they became law, none of the bills would mean that juveniles could no longer be tried as adults or that the most dangerous and violent among them would be allowed to join other juveniles in detention centers. What proponents hope they will do is increase the opportunity for more juvenile offenders to get the services they need to become contributing members of society rather than put their feet on the path to adult criminal activity.

Gov. Rauner's office has said he will thoroughly review the bills. Given his pledge to reform Illinois criminal justice system and his appointment of a commission charged with doing so, we're optimistic they will become law. Among the ones that should are:

-- **SB1560** which would bar juveniles charged with misdemeanors from being automatically sent to state juvenile prisons. The idea is to keep low-level juvenile offenders out of prison from where they often advance to more serious crimes after their release and instead hook them up with rehabilitative services in their own communities. Some 110 youths each year would be impacted by the switch, according to the Illinois Department of Juvenile Justice (DJJ)

-- **HB3718** would end the automatic transfer of youth to adult prisons for many offenders and instead let juvenile judges make that call for crimes that do not involve physical harm to a person. Transfer to youth or adult prisons for more serious crimes including murder, aggravated criminal sexual assault and aggravated battery with a firearm would remain automatic, but for 16 and 17-year-olds only. A judge's review would be required for youth ages 15 and younger.

Not only will those changes increase our chances to catch kids before they are hardened by the adult system, it also will reduce overcrowding. Cook County Board President Toni Preckwinkle who championed the change, has said it would result in a 70 percent reduction in automatic transfers of juveniles to adult court in Cook County. She told a Chicago gathering last December, "Automatic transfers are devastating to our young people and our communities. We have a

responsibility to ensure a juvenile justice system that is fair and responsive to our young people. The lack of due process robs young people of the fair hearing to determine whether or not they are suitable for the juvenile system's rehabilitative opportunities."

The changes also came in response to concerns expressed by the Illinois Supreme Court regarding the lack of judicial discretion to deal with such cases.

-- **HB2567** would help keep children younger than the age of 13 out of juvenile detention by requiring local authorities to contact the Comprehensive Community-Based Youth Services (CCBYS) network. Only if such services could not be secured would the youth be placed in detention.

If they become law, the reforms will join another welcome giant step Illinois took to reform the way it treats juvenile offenders when the state agreed as part of a court settlement to ban solitary confinement at state detention centers.

As we said in response to that overdue reform, if the notion of rehabilitation is to be more than fiction, we must pursue policies which help to turn lives around. It's not about coddling criminals. It's about not creating hardened, lifetime ones and instead fostering productive adult members of society.

We salute juvenile justice advocates, members of the General Assembly led by sponsors including Sen. Kwame Raoul, D-Chicago, and Rep. Elaine Nekritz, D-Northbrook, for working to return Illinois to its leadership role in providing fair and effective juvenile justice.

And we urge the reform-minded governor to sign them into law.