

An Act to Promote Public Safety & Equity

Basing Juvenile Detention on Evidence of What Works to Keep Communities Safe

LEAD SPONSORS: SB 65 (PETERS). HB 3767 (GABEL)

WHAT THE BILL DOES: Limits juvenile detention to cases of teenagers who present a serious threat to the physical safety of person(s) in the community or to secure minor's presence in court based on record of willful failure to appear.

THE PROBLEM: *We are harming children and endangering the public by indiscriminately locking up young children without any demonstrable threat to safety.*

A new report from the IL Juvenile Justice Commission examined detention of young children (age 10-13) in 2019 and concluded there is an urgent need for Illinois to rethink detention of children.¹

- Detention is overused with poor outcomes – domestic conflicts were one of the top charges in 2019, and the reports notes that children and families would be better served with a family-focused response.
- **“The racial inequities in detention of 10-12 year old children are profound”** & especially pronounced with the youngest populations. **71% of detained children age 10-12 in 2019 were Black/African-American.**
- **Detention is not used consistently across IL** – a handful of counties (most with their own detention center) account for the majority of admissions of young children.
- **Illinois has a range of alternatives to detention for children in crisis**, and IL should use a delayed effective date to plan for implementation.

Research shows that detention of children can have profound and lifelong negative consequences. Youth who are detained are less likely to complete high school, less likely to find employment and more likely to suffer mental health problems than comparable youth who are not detained. *National Juvenile Detention Alternatives Initiative, Annie E Casey Foundation, <https://www.aecf.org>*

Juveniles who cannot be locked up AFTER a finding of guilt, end up locked up before trial. Reforms over the past decade to expand community-based alternatives (Redeploy IL) and to limit juvenile prison to a last resort and only for felony offenses have not been extended to the pre-trial detention stage. As a result, **a report from the Juvenile Justice Initiative found four times as many**

children locked up in county detention before trial as those sent to state juvenile prison after trial in July, 2020.²

ILLINOIS HAS ALTERNATIVES to DETENTION:

- Return Home** – Nearly half (48.9%) of children in detention in 2020 were home within 1-3 days.
- Relative placement** – Temporary placement w. nearby relative.
- Emergency Crisis Intervention** - CCBYS is a statewide network of 24/7 crisis intervention services including conflict de-escalation and developing a short-term crisis stabilization plan for the child to remain at home with or without services pending court review. In exceptional cases, CCBYS can also provide emergency shelter care/foster care placement. **In 2020, CCBYS provided services to 819 children age 10/11/12 – most remained home** (fewer than 10% required placement, almost none secure confinement) See: <https://www.dhs.state.il.us/page.aspx?item=30768>
- Emergency Behavioral Health Intervention** - SASS is a statewide network of behavioral health crisis intervention services to evaluate needs and develop a short-term safety plan for the child to remain at home with or without pending court review. SASS can also provide intensive mental health services for children. See <http://www.dhs.state.il.us/page.aspx?item=92597>
- Hospital ER** – for the small number of children experiencing physical or mental health crisis.

SIMILAR TO REFORMS IN OTHER STATES: Neb. & OK have similar age limits on detention & limit detention to a last resort.

BUDGET IMPACT: THIS BILL WILL SAVE TAX DOLLARS - IL tax dollars reimburse counties for salaries for detention center staff – legislative correspondence detailed **\$35,976,809 in SFY 16** statewide detention reimbursement.

A 2017 report by a Champaign County Racial Justice Task Force focused on reducing racial disparities in the Champaign County Criminal Justice System, included a recommendation that the county resolve to “stop detaining youth under age 13 in the Juvenile Detention Center”.³

In 2020, during the worldwide pandemic, Champaign County detained three (3) twelve-year-old children.⁴

¹ <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/Detention%20of%20Children%2010-12%20Years%20Old%20In%20Illinois-%20A%20Call%20to%20Action%20.pdf>

² <https://jjustice.org/wp-content/uploads/PreTrial-Detention-of-Children-During-the-Pandemic-in-IL-copy.pdf>

³ <http://www.co.champaign.il.us/countyboard/rjtf/1710RJTFReport.pdf>

⁴ <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/JMIS%20Monthly%20Data%20Report%20December.pdf>



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SUPPORTERS INCLUDE:

- **Illinois Parent Teacher Association**
- **Illinois Collaboration on Youth**
- **Illinois State Bar Association**
- **Illinois Balanced and Restorative Justice**
- **Juvenile Justice Initiative**
- **John Howard Association**
- **League of Women Voters of Illinois**
- **ACLU- IL**
- **Office of the President, Cook County**
- **The UIC John Marshall Law School Restorative Justice Program**
- **Loyola University Civitas Childlaw Center**
- **The Criminal & Juvenile Justice Clinic, Univ of Chicago Law School**
- **Strengthening Chicago's Youth**
- **Children's Home and Aid**
- **Law Office of the Cook County Public Defender**
- **James B. Moran Center for Youth Advocacy**
- **Catholic Lawyers Guild Restorative Justice Committee**
- **Chicago Votes**
- **Mothers Against Wrongful Convictions**
- **Westside Justice Center**
- **Inner-City Muslim Action Network**
- **National Juvenile Justice Network**