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This newsletter is made possible by grants from foundations including:

**Alphawood Foundation, Chicago Community Trust, Field Foundation of Illinois, Public Welfare Foundation, & Woods Fund of Chicago**, as well as the support of numerous individuals and organizations. Opinions expressed in this newsletter are those of JJI alone.

**President's Message**

This is a hopeful time for juvenile and emerging adult justice reform in Illinois. We have raised the age of juvenile court to include seventeen year olds and we have reduced the number of cases automatically sent to adult court (requiring a hearing in juvenile court to decide if appropriate to send to adult court) – and despite predictions that the reforms that affected thousands of children each year would overwhelm juvenile courts and prisons by adding a third more cases, the numbers have actually gone down – way down.

One example is the impact on juvenile prisons. Thanks to Redeploy Illinois (providing funding for community alternatives to prison), our juvenile prisons remain at historic low numbers. The numbers are so low that we have been able to close three of the eight juvenile prisons – and the former prisons are/have been retrofitted to mental health treatment and reentry/transition centers with no loss of jobs to prison communities. This is a good example of the ability of the juvenile system to provide individual assessment and treatment within the community – at significantly less cost than prison and with better outcomes.

The success with bringing older teenagers back to juvenile court is largely due to the flexibility and individualized approach in juvenile court. The juvenile system has flexibility beginning at the front end, or arrest stage. Police in the juvenile system have wide discretion to divert cases with individual agreements to make restitution, clean up the graffiti, do community service, etc. This discretion is lacking in the adult system where police have only two choices - to let someone go, or refer to court. Flexibility extends to the disposition stage as well – the juvenile court judge has equally wide discretion to tailor a sentence to fit the individual, which significantly increases the probability of rehabilitation. By contrast, minimum sentences in adult court are mandatory, set by statute, tying a judge's hands. Thus, studies consistently show there is less repeat offending when cases are prosecuted through juvenile court systems, rather than adult court – juvenile justice reform is public safety.

The success of reforms integrating older teens in juvenile systems is behind the national movement to expand further to include emerging adults. Cook County is experimenting with a restorative justice community court for emerging adults, under a juvenile judge. Legislation is pending to raise the age of juvenile court to 21 in Connecticut, Massachusetts and Illinois. Other nations are addressing the emerging adult population as well - Germany has given emerging adults juvenile sentences for over half a century with very successful results.

We in Illinois, the home of the world's first juvenile court, have made impressive strides over the past 17 years – but we have miles to go yet to end racial disparities and provide an opportunity for rehabilitation for all our young people.

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# Illinois Juvenile Justice Legislative Update



**EXPUNGEMENT REFORM-** (HB 3817 - Nekritz/Hastings) The Youth Opportunity and Fairness Act makes it easier to expunge juvenile records. The bill follows recommendations from the Illinois General Assembly's commissioned report "Burdened for Life: The Myth of Juvenile Record Confidentiality and Expungement in Illinois" (2016). Public Act 100-0285 - effect on Jan 1, 2018.

<http://ilga.gov/legislation/publicacts/100/PDF/100-0285.pdf>

LINK to FACT SHEET EXPLAINING PROVISIONS of Expungement Reform  
<http://www.law.northwestern.edu/legalclinic/cfjc/documents/CFJC%20SUMMARY%20OF%20HB%203817.pdf>

**NO EXPULSION FROM EARLY CHILDHOOD PROGRAMS** - HB 2663 (Stratton/Lightford)- ensures that early childhood programs engage in best practices in their disciplinary actions by prohibiting the use of expulsions due to child behavior. The bill requires documentation of the school's attempts to keep children in school prior to transition, and utilization of a range of community resources. The bill also puts in place a system to track transitions, and to annually report data to the State Board of Education, providing data to better understand issues and identify the need for additional resources. Public Act 100-0105 – effect. Jan. 1, 2018  
<http://ilga.gov/legislation/publicacts/100/PDF/100-0105.pdf>

**NO POLICE BOOKING STATIONS IN SCHOOL** - HB 3903-(Stratton/Hutchinson)- bans police booking stations in schools. The bill defines student booking stations as a building, office, room or any indefinitely established space or sit, mobile or fixed that's predominant use is that of law enforcement officials in which a student is detained in connection with or alleged criminal activities that creates a law enforcement record.

Public Act 100-0204 – effect 8/18/17.

<http://ilga.gov/legislation/publicacts/100/PDF/100-0204.pdf>

**DJJ Personnel Qualifications** (Steans/Bellock) SB 1519- Deletes a provision that requires DJJ personnel have a degree with a specialization a closely related social science or juvenile matters. Requires those persons to only have any bachelor's or advanced degree. Public Act 100-0019 - effective Jan. 1, 2018.

<http://ilga.gov/legislation/publicacts/100/PDF/100-0019.pdf>

**RESTORATIVE JUSTICE TRAINING FOR JUVENILE PRISON STAFF** – HB 3165 (Stratton/Raoul) requires Illinois Department of Juvenile Justice (IDJJ) staff receive training in Restorative Justice. Public Act 100-0157 – effect. Jan 1, 2018.

<http://ilga.gov/legislation/publicacts/100/PDF/100-0157.pdf>

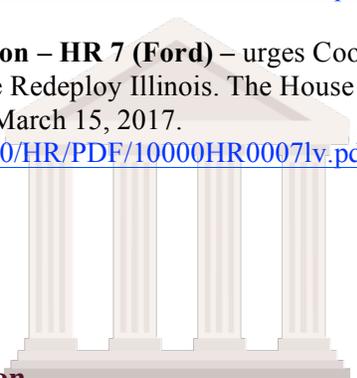
## RESOLUTIONS

**Gault Resolution-** HR 432 (Sims) – recognizes the 50<sup>th</sup> anniversary of In re Gault, the landmark case that ensured lawyers and due process for children in delinquency proceedings. The House Resolution was adopted on May 25, 2017.

<http://ilga.gov/legislation/100/HR/PDF/10000HR0432lv.pdf>

**Redeploy in Cook Resolution – HR 7 (Ford)** – urges Cook County to enter into juvenile Redeploy Illinois. The House Resolution was adopted on March 15, 2017.

<http://ilga.gov/legislation/100/HR/PDF/10000HR0007lv.pdf>



# Reimagining Justice - Emerging Adults

Participants in a JJI sponsored seminar on June 16th Summit in Lawndale, *Reimagining Justice for Emerging Adults*, explored global and national initiatives on the treatment of emerging adults and effective community alternatives to incarceration. Attendees learned about practices and trends in Illinois, Massachusetts, South Dakota and Connecticut - as well as Germany and the U.K., Illinois legislators discussed a series of reforms to use juvenile diversion and sentencing opportunities for emerging adults in Illinois.

This summit was made possible by a grant from the M. Denny Hassakis Fund of the Illinois Bar Foundation, and was in collaboration with a similar event (Reimagine Justice) hosted by the Governor of Connecticut.

Emerging adults are a costly issue in Chicago:

**In 2015, over 2,500 emerging adults (ages 18-21) were admitted to the Cook County Jail for misdemeanor offenses.**

You can review the Summit materials at: [www.jjustice.org](http://www.jjustice.org).



**Rep. Laura Fine (sponsor of legislation to raise the age of juvenile court to 21), joins Rep. Arthur Turner and Sen. Patricia Van Pelt to discuss the success of juvenile justice reforms and the impact of further reforms focused on emerging adults**

# WHY DOES IT MATTER WHETHER A YOUNG ADULT IS IN JUVENILE vs. ADULT COURT?

We have not paid enough attention to the later teenage and early adult years as a discrete period of social and behavioral development.....we need to look more closely at this critical stage of life and develop ....effective interventions.

Assistant AG Laurie O. Robinson  
 Foreward, *From Delinquency to Crime*  
 Oxford Univ. Press, June, 2011



Cook County Public Defender Amy Campanelli explains why it is better for a young person to be in juvenile, rather than adult, court.

	JUVENILE	ADULT
<b>ARREST</b>	Police can divert (station-adjust)	Police can only refer to court
<b>PRE-TRIAL</b>	No bail - individualized decision whether to detain prior to trial	Bail - if young person can not make bail, he/she will be held in jail pending trial.
<b>SENTENCING</b>	Probation available for most offenses  Wide range of sentence options with emphasis on least restrictive alternative	Fewer sentences probational  Long mandatory minimum sentences to adult prison
<b>CONFIDENTIALITY</b>	Juvenile cases are confidential	Adult cases are open to public



Sen. Patricia Van Pelt emphasizes her concern that all young people have a lawyer during interrogation.



South Dakota Prosecutor Mark Vargo explains why he set up a "second chance" diversion program for young adults

**"The single most frequently asked question is 'Can you help me get a job?'"**

Statement by Father Kelly, of Precious Blood Ministries, during a panel discussion on restorative justice on the most frequently asked question he gets from young adults in his program.

## **OTHER STATES ADDRESSING EMERGING ADULTS**

### **MASSACHUSETTS**

Massachusetts, which recently raised the age juvenile court to include seventeen year olds, is now considering legislation to raise the age of juvenile court to 21. The new legislation was prompted by the success of raising the age of juvenile court to 18. Massachusetts legislators are also considering a minimum age of juvenile jurisdiction.

### **CONNECTICUT**

The Governor of Connecticut is heading up a push to raise the age of juvenile court to 21. Connecticut is another state that recently raised the age of juvenile court (from 16 to 18) and has seen lower numbers entering the adult prison system as a result. The success of the previous raise the age reform is propelling the current push to move the upper age to 21.

### **VERMONT**

On 6/1/16, the Vermont Governor signed Act 153 that allows adult criminal defendants up to age 21 who are not charged with certain serious crimes to apply for a youth offender status.

### **OTHER YOUNG ADULT INITIATIVES**

San Francisco has launched a young adult court.  
New York City launched the Neighborhood Opportunity Network through the Dept. of Probation,  
Germany – juvenile sentences for young adults since the 1950's.  
Netherlands – raised the age of juvenile court to 21.

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# **NEW REPORT FROM Parent Teacher Assoc of IL REPORT TO 2017 ILLINOIS PTA CONVENTION ON YOUNG ADULTS INVOLVED IN THE JUSTICE SYSTEM**

## **IV. CONCLUSIONS**

Youth/young adults between the ages of 18 and 25 are sometimes referred to as “emerging” adults. There seem to be two commonly identified divisions in the age group: 18 to 21 and 22 to 25. The research and studies of the human brain, in relation to the brain maturity of emerging adults between the ages of 18 to 25, indicate the brain continues to mature during these years. The features of the brain such as malleability, responsibility, susceptibility to peer influence, and the ability to control impulses and keep responses in check continue to mature during these years. Fully mature reasoning capacities are not developed until the mid-twenties.

In several States, and in several countries, a recognition of this understanding of the maturing, emerging adult population is resulting in a movement to have this age group be adjudicated separately from the adult (over age 24) population when they come in contact with the law.

At the present time, (March 2017) there does not seem to be a clear preference among the experts as to how these should be handled. For the 18 to 21 ages, some options being considered include:

- keeping misdemeanor cases only in present juvenile system;
- including this age in the present juvenile system;
- handling them in a separate division of the juvenile system.

There is less consensus about where to address the 21 to 25 ages.

## **V. RECOMMENDATIONS**

While the resolution creating this study committee was directed at young adults ages 18 to 21, the committee believes that the science on the topic merits differentiation in consideration from adults up to age 25.

**1. That the Illinois PTA recognizes that youth from the age of 18 to 25 have a different maturity level from that of adults over that age, and that should affect their treatment within the justice system.**

2. That the Illinois PTA will take positions on legislation as it is introduced to address the age cohort, based on a study of their needs and our policies.

**3. That the Illinois PTA amend the Legislation Platform of the Illinois PTA, by adding a new Item 11-e. “Support of laws and regulations in our justice system that address the differing needs of youth as they continue to mature from age 18 through and including age 24.”**

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## JUVENILE JUDGE OPENS RESTORATIVE JUSTICE COMMUNITY COURT FOR EMERGING ADULTS

Cook County Judge Colleen Sheehan has organized a restorative justice community court opening in North Lawndale, focused on emerging adults up to the age of 26 charged with misdemeanors and non-violent felonies. The Court will redirect cases to community circles to determine outcomes - completion of agreement with community will clear the young person's record.

*“This court will function so much outside the regular system. You aren’t trusting the judge or the prosecutor—you’re trusting your neighbor who is sitting in the circle next to you,” said Cliff Nellis, whose center provides legal services to young people in North Lawndale. “This court has got great potential to be a far more effective court, the likes of which we’ve never seen.”*

<https://www.theatlantic.com/politics/archive/2017/05/chicago-restorative-justice-court/524238/>



## Support JJI's Juvenile Justice Reforms

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.

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**Save the Date**  
**Thurs., Oct. 5,**  
**2017**  
**JJI's Annual Event**  
**COURT & COMMUNITY**  
**TOGETHER**

Registration Info at  
[www.jjustice.org](http://www.jjustice.org)

**Honoring:**

**Hon. Anne M. Burke**  
*Co-Chair, IL JJ Leadership Council*

**Hon. Jesus "Chuy" Garcia**  
*Founder of Enlace Chicago*

**Hon. Rita B. Garman**  
*Co-Chair, IL JJ Leadership Council*

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**Hon. Mary Jane Theis**  
*ISBA Access to Justice Awardee*



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