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“The Juvenile Justice Initiative of Illinois works to achieve humane, equitable and sustainable reforms for children and young adults in the justice system.”

PRESS RELEASE

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Contact: Elizabeth Clarke, bc@jjustice.org, 847-894-4206

In light of the global outbreak of COVID-19, the Juvenile Justice Initiative (JJI) urges the immediate adoption of two basic international human rights protections for all children and young adults in conflict with the law – end detention of children under the age of 14 and end incarceration for low level property and technical violations.

Protecting our citizens from the spread of the highly contagious COVID-19 is of paramount concern. Disease is easily spread in residential facilities such as prisons and detention centers. To that end, the JJI urges the immediate adoption of two basic human rights protections that are the cornerstone of justice policy in other developed nations.

The JJI recently returned from our second educational mission to Germany to learn from their more effective justice system. The first mission a year ago was to prison facilities in Berlin and in the northeastern province of Mecklenburg. The mission this year was to facilities in Hamburg. In all three locations, these two basic human rights protections were solidly in place:

- **Children under the age of 14 are not prosecuted** in either juvenile or adult court, and 14 is the minimum age for prison in Hamburg and in all of Germany. It is consistent with the international standard for the minimum age of prosecution (14), and 14 is the most common minimum age globally. ***Illinois should immediately release all children under the age of 14 in juvenile detention facilities and in the state juvenile prison facilities in the IL. Dept. of Juvenile Justice.***
- **Prison/detention is reserved for the most serious cases and only as a last resort** in Hamburg, as required by international standards that limit incarceration to the last resort. We toured the only juvenile facility in Hamburg – it was for juveniles (defined as age 14 to 21) both pre and post trial. The total population was 120. ***That’s about one/tenth the incarcerated population of young people in Cook County, after adjusting for population size!*** The reason is that it is very difficult to get into prison in Germany, as prison is reserved for the most serious cases and only after all other alternatives have failed. By contrast, in Illinois, children and young adults are routinely locked up for minor property offenses, for failure to appear in court, and for technical probation violations. ***Illinois should immediately release all young people under the age of 21 in detention/jail/prison for low level (Class 4 or lower) property offenses, for failure to appear in court, and for technical probation violations.***

With just one/tenth the incarcerated population, the city of Hamburg maintains public safety by avoiding the trauma and disruption to education that incarceration means for young people. In times of crisis, such as the COVID-19 threat, a significantly lower prison population means that Hamburg has less of a challenge containing the spread of the virus.

The high levels of incarceration of children and young adults in Illinois are the product of outdated policies that fail to incorporate the most basic of international standards. Looking to international standards and practices is required, based on resolutions passed by the City of Chicago and the County of Cook.ⁱⁱ

This is an opportunity for Illinois, home of the world's first juvenile court, to take a step towards joining the rest of the developed world in limiting confinement of children and young adults by setting a reasonable minimum age (of 14) and by ending confinement for low level property, technical violations and failure to appear.

ⁱ Hamburg has about one-third the population of Cook County. There are around 150 children (under the age of 18) in pre-trial detention in Cook County – and around 100 more in juvenile prison. IN ADDITION, young adults (age 18-21) make up about 12% of admissions to Cook County Jail – so about 720 young adults in Cook County Jail – with about 2,000 more in state adult prisons. That's a total of about 3,000 young people under the age of 21 in pre and post trial detention/jail/prisons in Illinois from Cook County. So Hamburg, with one-third the size of Cook County, locks up 120 young people under the age of 21 – compared to Cook County's 3,000.

ⁱⁱ COOK COUNTY Resolution 19-5830 Sponsor – Larry Suffredin
Approved 10/24/19 [Legislation and Intergovernmental Relations Committee] <https://cook-county.legistar.com/LegislationDetail.aspx?ID=4146669&GUID=3D300F58-DBBD-4DBF-8D6D-679A53FC0079&Options=Advanced&Search=&FullText=1>

**RESOLUTION
SUPPORTING A REVIEW OF COOK COUNTY POLICIES AND PRACTICES IN LIGHT OF THE
RECOMMENDATIONS OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND THE
GLOBAL STUDY ON CHILDREN DEPRIVED OF LIBERTY**

WHEREAS, research shows that children prosecuted in the adult criminal justice system are more likely to reoffend than those held in the juvenile justice system; and

WHEREAS, until the beginning of the 20th century, courts tried children under the age of 18 in adult settings; and **WHEREAS**, Cook County is home to the world's first juvenile justice system, which arose from the belief that children

should be removed from adult prison and receive a second chance; and
WHEREAS, Cook County consistently leads on protecting children and promoting their rights; and

WHEREAS, in the 1980s, the United States participated in a working group along with the nearly eighty other nations that drafted the Convention on the Rights of the Child; and

WHEREAS, on November 20, 1989, the United Nations General Assembly unanimously adopted the Convention on the Rights of the Child, with the specific purpose of promoting and protecting the well-being of all children, regardless of national boundaries; and

WHEREAS, the Convention on the Rights of the Child has been ratified by all U.N. nations, except the United States, making it the most widely ratified human rights document in history; and

WHEREAS, the United States formally signed the Convention on the Rights of the Child in 1995, signifying its intent to ratify the Convention; and

WHEREAS, November 20, 2019, marks the 30th anniversary of the Convention on the Rights of the Child; and

WHEREAS, on October 8, 2019, the United Nations will receive the first international report on the Global Study on Children Deprived of Liberty along with updated recommendations on when and under what conditions children should be detained and deprived of liberty; and

WHEREAS, Cook County is committed to continuing its global leadership in promoting justice for children and adolescents, ensuring that all its children receive every internationally recognized human right; and

NOW, THEREFORE, BE IT RESOLVED, that we call upon all government agencies in Cook County, in particular, those concerned with juvenile justice, to review their policies and practices in light of the recommendations of the Convention on the Rights of the Child and the Global Study on Children Deprived of Liberty.

NOTE – similar resolution approved by Chicago City Council– R2019-688 (Rodriguez, Michael D) – Approved Jan. 28, 2020<https://chicago.legistar.com/LegislationDetail.aspx?ID=4139541&GUID=7A23DD53-8A32-4F64-93F7->

And similar resolution pending in IL House (HR 544, Rep. Gabel)
<http://ilga.gov/legislation/BillStatus.asp?DocTypeID=HR&DocNum=544&GAID=15&SessionID=108&LegID=122090>
