



When Juvenile Court is the Default Starting Place for Youth:

A Review of Outcomes Following 2015 Automatic Transfer Changes in Cook County

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Table of Contents

Executive Summary	Page 3
I. History of Transfer Statutes in Illinois	Page 5
II. Previous Transfer Research and Reforms	Page 5
III. History of 2015 Transfer Reform (PA 99-0258) and <u>Alvarez V. Howard</u>	Page 8
IV. Post PA 00-0258 and Alvarez v. Howard Data	Page 10
V. Conclusion	Page 14
Endnotes	Page 16

“[I]t doesn’t make sense for us to transfer, indiscriminately, young people to adult court.”ⁱ

Then Senator Barack Obama, Senate Floor debate, Jan. 29, 1998

“Judges should be the ones to decide whether a child should be transferred to adult court, not a one-size-fits-all law.”

Chicago Tribune Editorial, November 21, 2000

“When should a teen be tried as an adult? Let judges decide. When teens automatically are tried as adults, the rehabilitative capabilities of juvenile court are lost.”

Chicago Sun Times Editorial, September 19, 2019ⁱⁱ

Executive Summary

Any examination of the prosecution and sentencing of children in the adult criminal court must begin with the acknowledgement that ***no other developed nation allows children under the age of 18 to be prosecuted and sentenced under adult criminal laws.***ⁱⁱⁱ

Other developed nations abide by international standards that require specialized juvenile or family courts to review cases involving children under the age of 18. The reason is that juvenile courts have programs and sanctions appropriate to adolescent development for children under the age of 18 in conflict with the law.

Ironically, the concept of a specialized juvenile court began in Illinois, the home of the world's first juvenile court, over a century ago in 1899. Yet, Illinois was also one of the first states to begin "automatically" prosecuting and sentencing children in adult court. Illinois began with "tough on crime" laws that required automatic adult trial and sentence for children as young as age 13 and also included automatic adult trial and sentencing for low level drug offenses for children ages 15 and 16. From the earliest reviews of automatic transfer policies in the 1980s, studies consistently demonstrated that transferring youth to adult court resulted in poor outcomes for public safety and profound racial disparities.^{iv}

Troubled by the research demonstrating poor outcomes, the Illinois Legislature began dismantling the "automatic" transfer statutes beginning with the first rollback in 2003 with a Reverse Waiver option for drug offenses.^v The legislature then ended "automatic" transfer for drug offenses in 2005, ending what had been labeled the most racially biased drug transfer law in the nation. This first transfer reform reduced the number of automatic transfer cases in Cook County by an average of 75%, without an increase in juvenile court cases and while maintaining public safety.^{vi}

The Juvenile Justice Initiative then conducted an extensive analysis of the remaining automatic transfer categories. The resulting report included a detailed review of the automatic transfer studies and reforms.^{vii} This 2014 study on transfers to adult court in Cook County revealed poor outcomes, overly broad impact with 54% of the convictions for lesser offenses, a shocking lack of court review (90% were pled), and nearly universal application in cases of children of color – in 3 years of data, there was only one white child transferred to adult court.

Once again, the research findings led to additional transfer reform in the Illinois Legislature. In 2015, the Legislature changed the statute to require cases to begin in juvenile court for a number of the "automatic" transfer categories, including youth who were 15 years of age.^{viii} These cases could still be prosecuted in adult court, but only after a juvenile court judge approved a petition by the prosecutor to transfer the case. This bi-partisan legislative reform shifted the process from an "automatic" adult court case based solely on age and charge, to a due process hearing with an individualized review of the probable cause for the charged offense and of the strengths and needs and risks of the child charged with the offense. With this reform, the child became the focus as opposed to the offense.

Subsequently, in Alvarez V. Howard, the Illinois Supreme Court made the 2015 transfer changes retroactive.^{ix} This meant that all cases of children who were pending trial in the adult court but fell under the categories of the reform (15 years old, etc) were sent to juvenile court, leaving it up to the prosecutor to decide whether to petition to send the case to adult court.

Findings

There were 181 youth with cases pending in the adult court that fell under the Alvarez v. Howard ruling and were sent to juvenile court. This report details the outcome in the cases of the 181 youth (in 186 cases) who would have been remained in adult criminal court but suddenly got a chance to begin their cases in juvenile court:

- **89.9% of the cases (165 cases) remained in juvenile court** (were never petitioned to adult court)
- Given time to thoroughly review the 186 cases, the prosecutor petitioned for adult prosecution/sentencing in only 21 cases (10.1%).
- Following a hearing in juvenile court, 9 of the 21 cases were sent to adult court or granted extended jurisdiction juvenile.^x In 11 cases the prosecutor's petitions were not granted and the cases remained in juvenile court.

Thus, only 9 of 186 cases (less than 5%) ended up back in adult court or with suspended adult sentencing (EJJ), upon thorough review by the prosecutor and the juvenile court. As this report documents, the opportunity for prosecutorial discretion to petition to adult court along with a due process hearing and rehabilitative protections in juvenile court makes a profound difference in outcomes of cases of children in conflict with the law.

Recommendation

Illinois should end all "Automatic" Transfer provisions in favor of discretionary transfer. Youth should only be transferred to adult court for trial and sentencing after a thorough review by a juvenile court judge rather than a prosecutor deciding where a child should be tried and sentenced. Youth in Illinois deserve a system that favors the rehabilitative efforts of the juvenile court similar to our system more than five decades ago prior to any automatic transfer provisions.

I. History of Transfer Statutes in Illinois

The juvenile court has always had provisions to transfer the most serious offenses to adult court. In 1903, four years after the inception of the separate system, Cook County transferred 14 youthful offenders to the adult system.^{xi}

From 1903 to the 1980s, all transfers to adult court in Illinois were done via discretionary transfer, with a juvenile court judge reviewing the State's petition to transfer to adult court.

- From 1982 to 2000, the Legislature enacted "**automatic**" transfer laws - automatically charging certain crimes committed by youth of specific ages in the adult court. In 1982 when the first automatic transfer provisions were enacted by the Legislature, they only included murder, rape, deviant sexual assault, and armed robbery with a firearm.^{xii} Gradually, the Legislature added offenses to the automatic transfer statute.
- In 1990, the Legislature added **mandatory** transfer provisions, requiring the juvenile court judge to transfer based on certain facts. In 1995, the Legislature added **presumptive** transfer statutes creating a presumption of transfer based on certain factors.
- In 1999, the Legislature added provisions for **Extended Jurisdiction Juvenile** where a juvenile would get a juvenile sentence and an adult sentence to be used if the juvenile did not do well under the juvenile system.

By 2000, the Illinois transfer laws were among the most complicated in the nation. There were 22 different ways for children to be tried and/or sentenced as adults. (See Table 1 for Illinois Transfer Statutes)

II. Previous Transfer Research and Reforms

Beginning in 1983, the Chicago Law Enforcement Study Group published several studies reviewing both pre and post automatic transfer decisions. The original study of pre-automatic transfer when judicial discretionary transfer was the primary form of children being sent to adult court showed that 48.8% of youth were transferred on a murder charge.^{xiii} The Chicago Law Enforcement Study Group's next study looked at the effects of automatic transfer passage in the Legislature. The study found that more than twice the numbers of youth were prosecuted as adults than during the previous two and a half year period.^{xiv}

The Chicago Law Enforcement Study Group concluded in 1988 that the automatic transfer failed to improve efforts to control serious juvenile offending and recommended a modified version of judicial transfer.^{xv}

TABLE 1: ILLINOIS TRANSFER STATUTES PRIOR TO 2003 ROLLBACK (REVERSE WAIVER OF DRUG OFFENSES)

	Ages	Crimes	Date Enacted
EXCLUDED 705 ILCS 405/5-120	ALL 17 year olds	All Crimes	1906 Boys 1973 Girls
AUTOMATIC TRANSFER 705 ILCS 405/5-130 (1) (a)	15 and 16 year olds	Murder	1982
705 ILCS 405/5-130 (1) (a)	15 and 16 year olds	Aggravated Criminal Sexual Assault	1982
705 ILCS 405/5-130 (1) (a)	15 and 16 year olds	Armed Robbery with a firearm	1982
705 ILCS 405/5-130 (1) (a)	15 and 16 year olds	Aggravated Vehicular Hijacking	1995
	15 and 16 year olds	Unlawful Use of a Weapon on School Grounds	1985
705 ILCS 405/5-130 (2) (a)	15 and 16 year olds	Delivery of a Controlled Substance within 1000 feet of a school or public housing (includes possession with intent to deliver)	1985/1990
705 ILCS 405/5-130 (1) (a)	15 and 16 year olds	Aggravated Battery within 1000 feet of a school	2000
705 ILCS 405/5-130 (4) (a)	13 and 14 year olds	Murder in the course of Aggravated Criminal Sexual Assault	1995
705 ILCS 405/5-130 (5) (a)	Any Minor	Violation of Bail Bond or Escape	1991
705 ILCS 405/5-130 (6)	Any Minor	Once Transferred and Convicted- Always Transferred	1999
MANDATORY TRANSFER 705 ILCS 405/5-805 (1) (a)	15 and 16 year olds	Forcible Felony with prior felony conviction and gang activity	1990
705 ILCS 405/5-805 (1) (b)	15 and 16 year olds	Felony with prior forcible felony conviction and gang activity	1990
705 ILCS 405/5-805 (1) (c)	15 and 16 year olds	Presumptive Transfer Crime and prior forcible felony	1990
705 ILCS 405/5-805 (1) (d)	15 and 16 year olds	Aggravated Discharge of a Firearm within 1000 feet of a school	1995
PRESUMPTIVE TRANSFER 705 ILCS 405/5-805 (2) (a) (i)	15 and 16 year olds	Class X felonies other than Armed Violence	1995
705 ILCS 405/5-805 (2) (a) (ii)	15 and 16 year olds	Aggravated Discharge of a Firearm	1995
705 ILCS 405/5-805 (2) (a) (iii)	15 and 16 year olds	Armed Violence with a firearm when predicated offense is a Class 1 or 2 felony and gang activity	1995
705 ILCS 405/5-805 (2) (a) (iv)	15 and 16 year olds	Armed Violence with a firearm when predicated on a drug offense	1996
705 ILCS 405/5-805 (2) (a) (vi)	15 and 16 year olds	Armed Violence with a machine gun or other weapon in (a)(7) of Section 24-1 of the Criminal Code of 1961	1996
DISCRETIONARY TRANSFER 705 ILCS 405/5-805 (3) (a)	13, 14, 15, 16 year olds	Any Crime	1973 (1903 first transfers)
EXTENDED JURISDICTION JUVENILE 705 ILCS 405/5-810	13, 14, 15, 16 year olds	Any Felony	1999

A study by the Juvenile Transfer Advocacy Unit of the Law Office of the Cook County Public Defender, examining the children automatically transferred to adult court in Cook County from 1999 to 2000, helped focus attention on the need to reform the state's transfer laws.^{xvi} The data revealed that out of 393 youth automatically transferred to adult court and detained in Cook County from October 1999--September, 2000, virtually all (99.6%) of the youth subject to automatic transfers in Cook County were minorities – only one Caucasian was automatically charged as an adult with a drug offense during the two-year period. Two-thirds of the automatic transfers were for nonviolent drug offenses. Moreover, close to two-thirds of the juveniles had not been afforded any juvenile court rehabilitative services prior to the automatic transfer. The study demonstrated that the youth “automatically” tried in adult court on drug offenses were receiving minor sentences (not prison) if sentenced at all – more than 90 percent of the youth convicted of a drug offense received either a sentence of probation or boot camp. All, however, suffered the consequences of a criminal conviction.

This research further demonstrated that this was a Cook County issue. Automatic transfers outside of Cook County were far fewer, despite higher arrest rates outside Cook County. Only two youth outside of Cook County were transferred for drug offenses.^{xvii} Newspapers reported the Illinois Drug Transfer Law was called the “worst” youth drug law in the nation because of its racial disparities.^{xviii}

Beginning in 2001, the Illinois Legislature began considering rolling back the transfer provisions. In 2001, a bill to bring back youth transferred for drug offenses failed on a committee vote in the House 9 to 2. However, two years later in 2003, the General Assembly agreed to a reverse waiver provision for youth charged with non- Class X drug offenses and then in 2005 moved the Class X drug offenders only to a presumptive transfer provision and expanded the provision of aggravated battery with a firearm (PA95-0574). The egregiousness of the transfer laws and the Illinois rollbacks were the impetus to challenge transfer statutes in other states as well.

The Legislature also raised the age of juvenile court jurisdiction from 17 to 18, beginning with misdemeanor offenses in 2010 (PA 95-1031) and adding felony charges in 2014 (PA 98-0061).^{xix}

In 2014, the Juvenile Justice Initiative published its findings from three years worth of transfer data in Cook County, Illinois.^{xx} During the three-year span, 257 children under the age of 17 were automatically tried as adults without any consideration for their age, lack of maturity, or involvement in the offense. The research once again showed that the transfer laws in Illinois were out of step with the intent of the laws themselves. Instead of children being convicted for egregious offenses, 54% were convicted and sentenced for lesser offenses than the original charged offense and would not have been transferred to adult court with the convicted offense. A full 90% of the youth pled guilty rather than stand trial and had no opportunity for their individual circumstances to be considered by the judge in adult court. The research also showed that the laws disproportionately impacted youth of color. In the three years worth of data, only one white child was automatically prosecuted as an adult. Further, the outcomes showed that youth spent on average over a year and up to 19 months awaiting trial.

Comparison of Youth Profiles Under Discretionary Transfer and Automatic Transfer

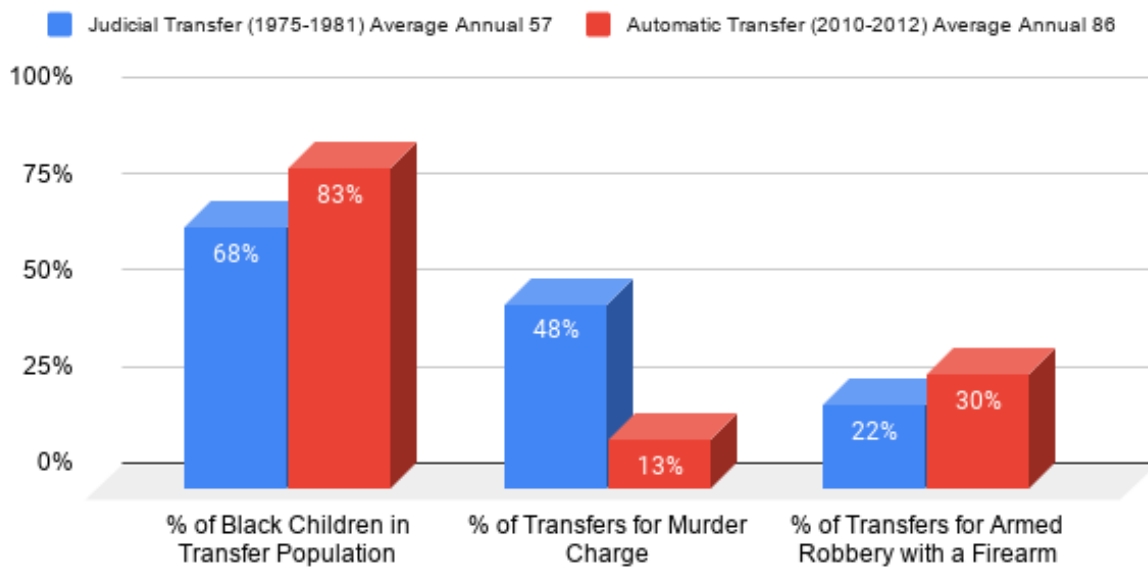


Figure 1. Figure 1 shows a comparison of youth profiles before and after the Automatic Transfer Provisions.^{xxi} From 1975 to 1981 the average annual number of youth discretionary transfers to adult court was 57 with 68% black youth, 48% transferred on murder charges, and 22% transferred on Armed Robbery with a Firearm charges. From 2010 to 2012 with automatic transfer provisions, the average annual number of youth transferred automatically to adult court increased to 86 with 83% being black youth, 13% being charged with murder, and 30% being charged with Armed Robbery with a Firearm.

Based on the research from 2010-2012 and the 30 years worth of data indicating these “automatic” transfer laws were failed policies, the Illinois Legislature continued to scale back the transfer statutes. In 2015, Illinois made broad changes to the Illinois Transfer Statutes through PA 99-0258.

III. History of 2015 Transfer Reform (PA 99-0258) and Alvarez V. Howard

In April 2015, the Illinois Senate Committee on Criminal Law amended HB 3718, raising the minimum age of automatic transfer from 15 to 16 years of age. In addition, the amendment deleted automatic adult prosecution in charges of armed robbery with a firearm, and/or aggravated vehicular hijacking with a firearm, although it left intact automatic transfer for 16 and 17 year olds charged with murder, aggravated criminal sexual assault, and/or aggravated battery with a firearm. The amendment also provided a provision for circuit clerks to track youth prosecuted in adult court, whether by automatic transfer, discretionary transfer, habitual offender or Extended Jurisdiction Juvenile provisions.

Although discussions on these broad revisions had taken place for years, the ultimate passage of the bill was quick with bipartisan support and little opposition. Written testimony from the Director of the Cook County Judicial Advisory Council concluded that **there was support to end automatic transfer from every level of government**, including a comment from the Illinois Supreme Court in *People v. Patterson*, urging the legislature to reform the automatic transfer statute. The Senate Criminal Law Committee passed the reform on a 10 to 1 vote on May 6, 2015. It passed the Illinois Senate 48-16 on May 9, 2015. The Senate Amendment then passed the House Juvenile Justice and System Involved Youth Committee 16-0 on May 27, 2015. The Illinois House concurred with the Senate Amendment 79-32 on May 31, 2015 and on August 4, 2015, the Governor signed PA 99-0258 into law with an effective date of January 1, 2016.

Illinois Statutes on trying or sentencing children as adults went from 22 exemptions and thousands of children to six exemptions and hundreds of children over the course of 12 years of legislative revisions. (See Figure 3 for Transfer Statutes from 2015 to present).

Table 2. Illinois Transfer Statutes Post 2015 Legislative Changes

	Ages	Crimes	Date Enacted
AUTOMATIC TRANSFER 705 ILCS 405/5-130 (1) (a)	16 and 17 year olds	Murder	1982
705 ILCS 405/5-130 (1) (a)	16 and 17 year olds	Aggravated Criminal Sexual Assault	1982
705 ILCS 405/5-130 (1) (a)	16 and 17 year olds	Aggravated Battery with a firearm personal discharge required	2015
PRESUMPTIVE TRANSFER 705 ILCS 405/5-805 (2) (a) (i)	15 and 16 and 17 year olds	Forcible Felony with prior felony conviction and gang activity	2015
DISCRETIONARY TRANSFER 705 ILCS 405/5-805 (3) (a)	13, 14, 15, 16, 17 year olds	Any Crime	1973 (1903 first transfers)
EXTENDED JURISDICTION JUVENILE 705 ILCS 405/5-810	13, 14, 15, 16, 17 year olds	Any Felony	1999

Because the law had a January 1, 2016 effective date and cases were pending that would otherwise be tried in juvenile court following the reform, youth prosecuted as adults petitioned the courts to allow them to be tried as juveniles. Luis M., a 15-year-old pending trial on murder sought to have his case moved back to juvenile court for a discretionary hearing. The Honorable Carol Howard of Cook County granted his request and Cook County State’s Attorney Anita Alvarez sought a writ of mandamus or prohibition directing Judge Howard to rescind the order. The Illinois Supreme Court rejected S.A. Alvarez’s mandamus, concluding that the juvenile transfer statute was procedural in nature and therefore applied retroactively unless the case had been transferred to adult court pursuant to a discretionary transfer hearing.

IV. Post PA 00-0258 and Alvarez v. Howard Data

Following the signing of PA 99 – 0258 and subsequent Alvarez v. Howard decision, 181 youth with 186 cases were remanded to the Cook County Juvenile Justice courts for possible discretionary transfer or other transfer/EJJ motions. The years of arrest were from 2010 to 2015. The following charts and data describe the charges and outcomes of these 186 cases.^{xxii}

The data reveals that in 90 percent of cases, once thoroughly reviewed in the juvenile system, they were determined to be appropriate for juvenile court and were not even petitioned to be tried or sentenced as adults.

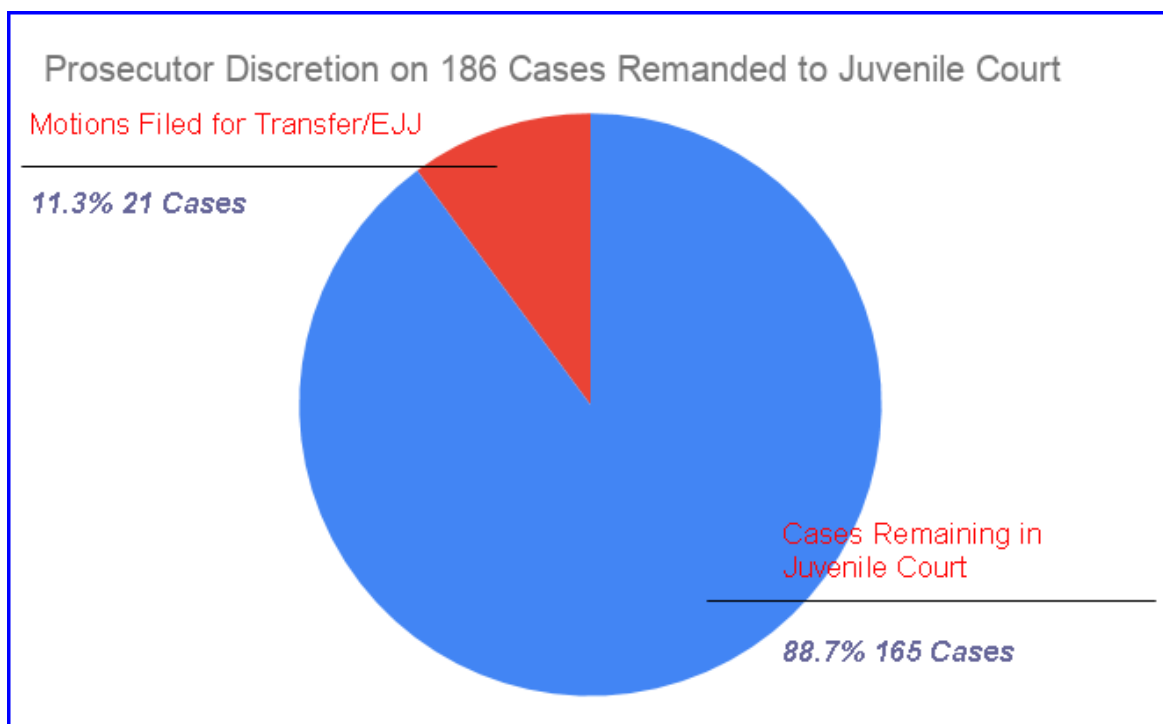


Figure 2. Prosecutor discretion on whether to file motions for transfer hearings, Extended Jurisdiction Juvenile hearings or remain in juvenile court reveals 89.9% of remanded cases were not prosecuted in adult court after going back to juvenile court.^{xxiii}

Prosecutors did decide in 21 cases that either adult transfer or EJJ was appropriate and petitioned the juvenile court judge in these cases for either discretionary transfer or EJJ. Of the 21 cases, only three were granted discretionary transfer and only six were granted Extended Jurisdiction Juvenile. In 55% of the cases, the juvenile court judge determined that adult transfer or EJJ was inappropriate for the youth and the youth then remained in juvenile court for trial and sentencing.

When prosecutors did ask for transfer or EJJ sentencing, they did so on only four different charges: Armed Robbery with a Firearm, Murder, Aggravated Battery with a Firearm, and Aggravated Criminal Sexual Assault. In each of these cases, the juvenile court judge held a hearing with due process protections to individually review each case and examine the particular rehabilitative services and sanctions available in juvenile court. Upon each individual review, the juvenile court judge decided in 55% of the cases petitioned to transfer to adult court or a suspended sentence, that there were adequate services and sanctions available in juvenile court to address the risks and needs of the individual youth.

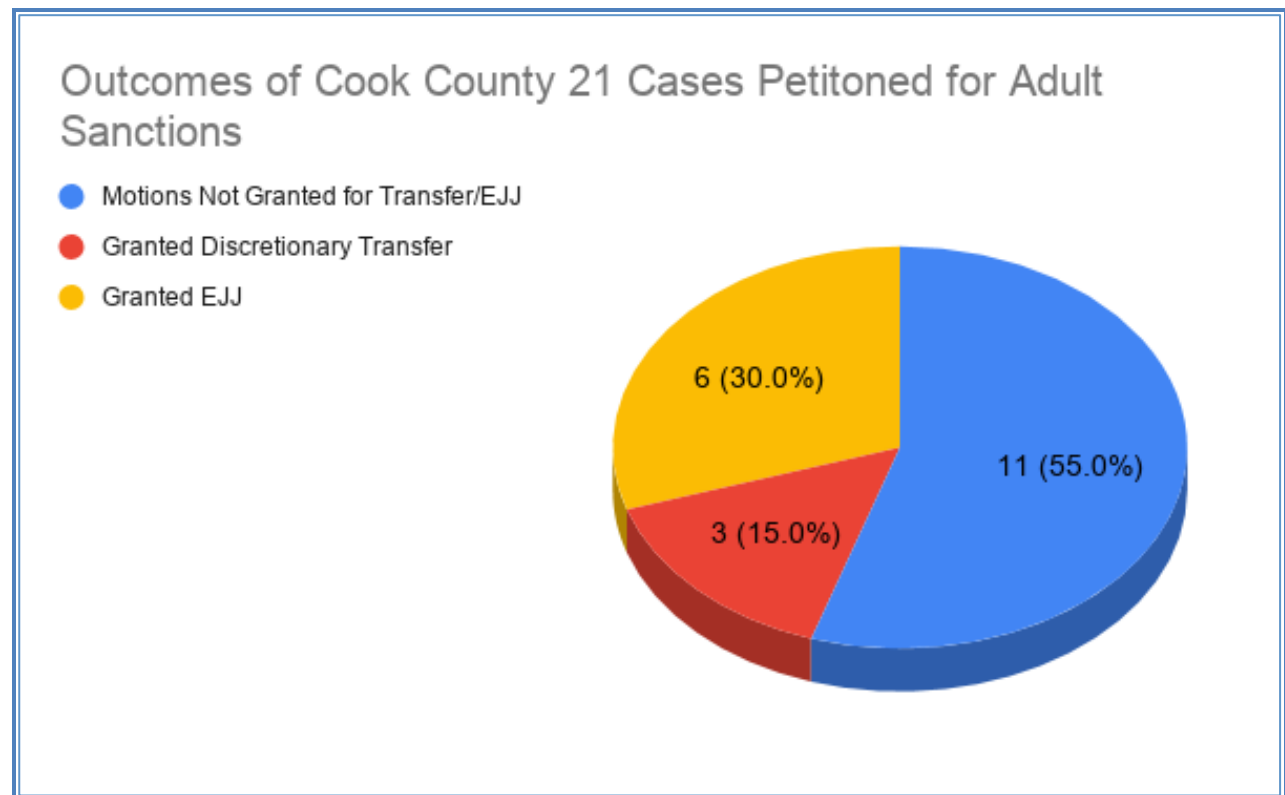


Figure 3. Of the 21 prosecutor petitions to go back to adult court or for Extended Juvenile Jurisdiction, 45% were granted – 9 cases were returned to adult court or were granted Extended Jurisdiction Juvenile designation. 55% or 11 cases were not granted and remained in juvenile court.

Charges of 21 Cases Where Prosecutor Petitioned for Transfer/EJJ

- Armed Robbery with a Firearm
- Murder
- Aggravated Battery with a Firearm
- Aggravated Criminal Sexual Assault

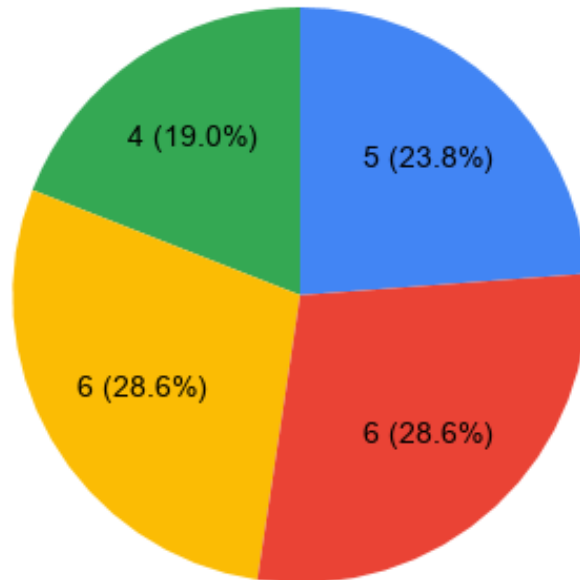


Figure 4. The charges of the 21 cases where prosecutors petitioned a juvenile court judge to discretionarily transfer a youth to adult court or to designate the case Extended Jurisdiction Juvenile reveals only 28% or 6 cases were for murder charges.^{xxiv}

Outcomes by Charges on Petitions for Discretionary Transfer and EJJ

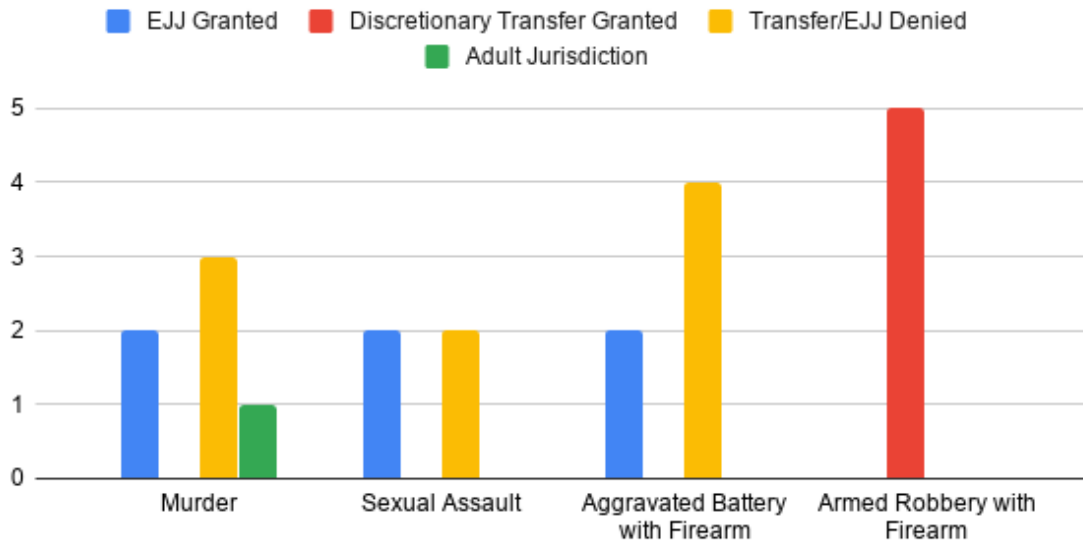


Figure 5. Outcomes from the 21 cases where prosecutors petitioned for either discretionary transfer or Extended Jurisdiction Juvenile designation by charge reveals Discretionary Transfer granted only in Armed Robbery with a Firearm cases. In three murder cases, four aggravated battery with a firearm cases, and two sexual assault cases, discretionary transfer and EJJ sanctions were denied by a juvenile court judge. In one case, it was found that the youth was not eligible for remand back to juvenile court but instead the adult court had jurisdiction.^{xxv}

Case Outcomes for 186 Cases Remanded to Juvenile Court post Alvarez v. Howard

- Plead/Found Guilty Time Served
- Plead/Found Guilty Probation
- Plead/FOund Guilty DJJ
- Nolle Prosequi
- Plead/Found Guilty EJJ
- Discretionary Transfer
- Adult Jurisdiction

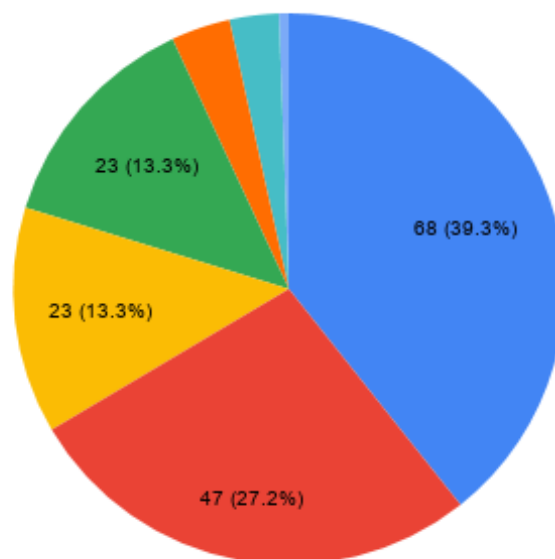


Figure 6. In Figure 6, the case outcomes of all 186 post Alvarez v. Howard reveal 39.3% received time served, 27.2% received juvenile court probation, 13.3% received a sentence at the Department of Juvenile Justice and an additional 13.3% were not prosecuted again once in juvenile court (Nolle Prosequi).^{xxvi}

In the very small percentage of cases where the prosecutors petitioned for adult sanctions (11%), the juvenile court judge granted the petitions for adult sanctions in nearly half of the cases (45% or 9 cases total). Thus, a very small percentage of youth (4.8% of total cases remanded) were transferred back to adult court or were given Extended Jurisdiction Juvenile designation after the 2015 Legislative changes and court decision that the changes were retroactive.

V. Conclusion

Prior to PA 99-0258 and the subsequent *Alvarez v. Howard* decision, 181 youth with 186 cases were automatically in the adult court facing adult sentencing upon conviction. Prior data on youth prosecuted in the adult system reveals that most would have received lengthy terms of incarceration in adult prison under the mandatory adult sentencing provisions.

The 2015 reforms gave these 181 youth a singular chance to be reconsidered for juvenile court prosecution. Without the pressure of the immediate “automatic” transfer decision that is triggered by the initial charge within hours/days of arrest, the prosecutor had time for extensive individual review.

Upon review, the prosecutor determined that in the vast majority of cases (89.9%), the youth belonged in juvenile, not adult, court. Juvenile court judicial review of the remaining 11% of the cases resulted in more than half remaining in juvenile court. Thus, 177 of the original 186 cases (95.2%) were prosecuted in juvenile court and received juvenile court sanctions rather than adult court or Extended Jurisdiction Juvenile with a stayed adult sentence.

This cohort of cases that fell between the pre and post 2015 transfer provisions demonstrates that time for individual review by both the prosecutor and the juvenile court reduces dramatically the number of cases of juveniles sent to adult court.

It further demonstrates that both the prosecutor and the juvenile court believed most cases of youth under the age of 18 subject to automatic adult prosecution could be handled through juvenile court programs and sanctions, if given sufficient time for independent review.

In March 2018, the Inter-American Commission on Human Rights released its report *Children and Adolescents in the United States Adult Criminal Justice System*.^{xxvii} The Commission concluded that the United States was required to respond to youth in conflict with the law through the juvenile justice system based on international law and treaties signed by the U.S.:

“The Commission notes that when ratifying the ICCPR in 1992, even though it co-sponsored the provision to treat children separately according to their age and status, the United States maintained a reservation “to treat juveniles as adults” in **exceptional circumstances**. However, as concluded by the Human Rights Committee in its observations on the United States’ compliance with this treaty, **the United States does not limit its treatment of children as adults to exceptional circumstances**. The Commission observes that the ambiguity of this reservation has been converted into an expansive gap in juvenile justice systems across the U.S., **resulting in the violation of children’s human rights on federal, state, and local levels.**” (Page 132)

As the data in this study reveals, automatic transfer provisions result in far larger numbers of children prosecuted in adult court than would exist if given time for individual review by the prosecutor and juvenile court. Automatic transfer provisions would then violate the U.S. reservation to the ICCPR to treat juveniles as adults only in “exceptional” cases.

In urging the legislature to end automatic transfer in 2015, the Director of the Cook County Justice Advisory Council concluded: **“Regardless of the crime they are accused of, every child in Illinois deserves a chance to prove that they are suitable for the rehabilitative mission of the juvenile justice system.** We ask that you.....work with us to end the automatic transfer of juveniles to adult court and restore juvenile court judges’ discretion as they are the best positioned party to make these decisions.”^{xxviii}

It is now time to finish the reforms that began in 2015, and end automatic transfer of children to adult court.

Endnotes

ⁱ <http://www.ilga.gov/senate/transcripts/strans90/ST012998.pdf>

ⁱⁱ <https://chicago.suntimes.com/2019/9/19/20874164/juvenile-court-transfer-adult-court-lake-county-michael-nerheim-editorial>

ⁱⁱⁱ *Children and Adolescents in the United States Adult Criminal Justice System.*, (2018), Inter-American Commission on Human Rights. <http://www.oas.org/en/iachr/reports/pdfs/Children-USA.pdf>

^{iv} The initial reports on pre and post automatic transfer in the 1980s were from the Chicago Law Enforcement Study Group. See Reed, D., Johnson, M., Karales, K., & Stevens, A.O., (1983). *Needed: Serious Solutions for Serious Juvenile Crime; A Report on the Results of Transferring Serious Juvenile Offenders to Criminal Courts for Trial in Cook County, IL from 1975 through 1981*. Chicago, IL: Chicago Law Enforcement Study Group. See also Regykysm T., Stevens, A.O., & Faggiani, D. (1988). *State School to Stateville: A Report on Mandatory Transfer and Criminal Prosecution of Juveniles in Cook County, IL, Jan., 1980 to June, 1985*. Chicago, IL: The Chicago Law Enforcement Study Group.

^v PA 92-0665 amended the Juvenile Court Act as follows: If a minor is subject to the provisions of subsection (2) of this Section, other than a minor charged with a Class X felony violation of the Illinois Controlled Substances Act, any party including the minor or the court sua sponte may, before trial, move for a hearing for the purpose of trying and sentencing the minor as a delinquent minor. This “Reverse Waiver” provision was modeled after Reverse Waiver provisions in Pennsylvania. The hearing to be conducted in adult court required that the court take into consideration the following: a) the age of the minor, b) any previous delinquent or criminal history of the minor, c) any abuse and neglect history of the minor, d) any mental health or educational history or both, e) Whether there is probable cause to support the charge, whether the minor is charged through accountability, and whether there is evidence the minor possessed a deadly weapon or caused serious bodily harm during the offense. The Reverse Waiver option no longer was used once the 2005 Legislative changes of removal of drug offenses to the automatic transfer statute went into effect.

^{vi} Kooy, E. , (2008) *Changing Course: A Review of the First Two Years of Drug Transfer Reform in Cook County, IL.*, <https://jjustice.org/changing-course-a-review-of-the-first-two-years-of-drug-transfer-reform-in-illinois/>

^{vii} Ishida, K., Clarke, E., & Reed, D., (2014) *Automatic Adult Prosecution of Children in Cook County, 2010-2012*, <https://jjustice.org/wp-content/uploads/Automatic-Adult-Prosecution-of-Children-in-Cook-County-IL.pdf>

^{viii} Public Act 99-0258 <http://ilga.gov/legislation/publicacts/99/099-0258.htm>

^{ix} *Alvarez v. Howard*, IL 120729 <https://courts.illinois.gov/Opinions/SupremeCourt/2016/120729.pdf>

^x Extended Jurisdiction Juvenile in Illinois was another attempt to have more children punished under the adult system in an effort to appease those wanting to be tougher on crime. Youth who were subject to Extended Juvenile Jurisdiction were given a sentence in juvenile court and a sentence in adult court that was stayed pending that the youth complies with his/her juvenile sentence. The youth under EJJ is afforded a jury trial and the trial is public. EJJ remains in effect in the statutes for any child 13 and over charged with any felony. It is used across Illinois but there is no set rationale for when a prosecutor requests EJJ nor what is considered non-compliance with the juvenile sentence.

^{xi} Kooy, E., (2001). *The Status of Automatic Transfers to Adult Court in Cook County*. Chicago, IL: Law Office of the Cook County Public Defender.

^{xii} Ishida *et al.*, (2014)

^{xiii} Reed, D., Johnson, M., Karales, K., & Stevens, A.O., (1983). *Needed: Serious Solutions for Serious Juvenile Crime; A Report on the Results of Transferring Serious Juvenile Offenders to Criminal Courts for Trial in Cook County, IL from 1975 through 1981*. Chicago, IL: Chicago Law Enforcement Study Group.

^{xiv} Regykysm T., Stevens, A.O., & Faggiani, D. (1988). *State School to Stateville: A Report on Mandatory Transfer and Criminal Prosecution of Juveniles in Cook County, IL, Jan., 1980 to June, 1985*. Chicago, IL: The Chicago Law Enforcement Study Group.

^{xv} *Id.*

^{xvi} Kooy, E., (2001)

^{xvii} Unpublished research by the Juvenile Justice Initiative for first rollback of transfer provisions showed that the vast majority of automatic transfers were from Cook County. During October 1999 through September 2000, the

Juvenile Transfer Advocacy Unit in the Law Office of the Cook County Public Defender found 393 youth automatically transferred to adult court from Cook County. Less than 1% of automatic transfers in Cook County came from suburban Cook County zip codes. In 2001, the Juvenile Justice Initiative found 14 youth from all other 101 Illinois counties were automatically transferred to adult court. Thus, 97% of all youth automatically transferred to adult court in Illinois were from Cook County.

^{xviii} Kooy, E., (2008)

^{xix} PA 95-1031 (2010) raised the age of juvenile court to 18 for misdemeanor offenses.

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=095-1031> Subsequently in 2014, the Legislature raised the age of juvenile court to 18 for felony charges as well in PA 98-0061

<http://www.ilga.gov/legislation/publicacts/98/098-0061.htm>

^{xx} Ishida *et al.*, (2014)

^{xxi} *Id.*

^{xxii} Data was obtained from the Law Office of the Cook County Public Defender and analyzed by the Juvenile Justice Initiative.

^{xxiii} *Id.*

^{xxiv} *Id.*

^{xxv} *Id.*

^{xxvi} *Id.*

^{xxvii} <http://www.oas.org/en/iachr/reports/pdfs/Children-USA.pdf>

^{xxviii} <https://jjustice.org/wp-content/uploads/Testimony-Cook-County-Judicial-Advisory-Council-IL-House-Cmte-3-10-15.pdf>