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**TESTIMONY of Elizabeth Clarke, Juvenile Justice Initiative  
on the issue of Emerging Adults in Conflict with the Law  
Before the Cook County Commission on Women's Issues**

October 24, 2017

Chicago, IL

Thank you, to the Sponsoring Committee Chair Peggy Montes and Cook County Board President Toni Preckwinkle- and to all the Commissioners here today to consider the best practices and programming for emerging adults in Cook County's Criminal Justice System.

We commend you for addressing the emerging adult population, age 18-24, because this population is particularly capable of positive development. Further, age crime curves the world over reveal that criminal offending drops off sharply in the early 20's - meaning that if a young person can be kept out of the justice system and/or out of prison until the early twenties, he/she will most likely live a crime-free and productive life.

The Illinois Parent Teacher Association issued a report on emerging adults involved in the criminal justice system last Spring. The report concluded that this is a critical population to address within the justice system and made the following recommendations:

- 1. 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.”**

A full copy of the report was included in handouts at a JJI Summit to Reimagine Justice for Emerging Adults last June, and can be accessed at:  
<http://jjustice.org/wordpress/wp-content/uploads/Handouts-Julne-16REIMAGINE-JUSTICE-FOR-EMERGING-ADULTS-FInal-copy.pdf>

Protecting the emerging adults class is not a new idea. Twenty-five states including Illinois, have extended foster care jurisdiction from 18-21 to provide more support for youth aging out of foster care. The National Conference of State Legislatures has recognized the 18-21 population as one that requires more protection and opportunities to succeed with structured supports.

Furthermore, Massachusetts and Connecticut (along with Illinois) are all considering legislation to raise the age to 21 for juvenile court jurisdiction. These three states have all recently raised the age of juvenile court and have seen positive impacts from increasing the jurisdictional age. In all three states:

- The number of children in detention and juvenile prisons has dropped, despite raising the age.
- The number of little children has decreased, effectively raising the lower age of jurisdiction.
- The number of emerging adults age 18 & 19 in adult jails and prisons has decreased.

These positive impacts have convinced state policy-makers that raising the age of juvenile court jurisdiction is a worthwhile reform.

This is not a new idea in Cook County. Chicago, the home of the world’s first

juvenile court, was also the home to a Boys Court for “juvenile-adults” up to age 21, beginning back in 1914 – lasting until 1969. Created by the Chief Judge, it stood in between juvenile and adult court, and handled felony bond and misdemeanor cases – thus the judge had authority to reduce felony charges to misdemeanors to expand jurisdiction.... for many years, young adults stood a better chance of having charges discharged in boys court, than in adult criminal court.

The age of juvenile court jurisdiction in Illinois has changed frequently. The first court in 1899 set the upper age at 16.....in 1905 the age was changed to 17 for boys and 18 for girls.....at one point there was a challenge to the gender-based age disparity and the age was reduced for girls to 17.....then in 2010, the IL legislature began to raise the age to 18.

The Illinois Legislature raised the age of juvenile court from 17 to 18 in two stages – first bringing 17 year olds charged with misdemeanors back to juvenile court in 2010. This was the culmination of a five-year debate over costs. At the time, there were more than 16,000 misdemeanor arrests of 17 year olds statewide - in Cook County some practitioners estimated the increase would result in over 30% increase in cases requiring up to 3 new juvenile court rooms. These costs did not occur.

In fact, the change went into effect without even a ripple in the system. The 17-year-old misdemeanants benefitted from the expansive and creative diversion options in the juvenile system – most were handled informally and more effectively at the police station, without even going to court. The population in our state’s juvenile prisons went down – from nearly over 1,100 to 990 in the first two years of the reform.

The second wave of the Illinois raise the age reform took place in 2014, when felony cases of 17 year olds were shifted to juvenile court. At the time, there were about 4,000 arrests statewide of seventeen year old youth on felony offenses. This shift in jurisdiction was equally successful, with statewide juvenile prison numbers decreasing from 990 to under 400, where it remains today.

The Cook County Juvenile Detention Center’s population experienced a similar decline despite raising the age of juvenile court – from an average daily population of 450 in 2010 to a population of 242 on 9/4/17.

The impact from raising the age on little children in detention has been profound. In 2010, there were 117 admissions of children age 10-12 in the Cook County Temporary Juvenile Detention Center. As of 9/4/17, there were no children under the age of 13 in detention.

As you are well aware criminal records serves as barriers and can be impediments to successful transition to adulthood.

**In 2016, there were 1,563 admissions of emerging adults ages 18-21 to the Cook County Jail for misdemeanor offenses.** The trauma and stigma of incarceration in the county jail is profound. The County of Cook needs to end the admission of emerging adults to county jail for misdemeanor offenses.

Racial disparities are profound. 72.5% of the 2016 emerging adult admissions to Cook County Jail were Black, 18.4% were Hispanic, and 8.1% were White.

It is essential that we view the multifaceted impact of contacts with the criminal justice system as 18-21 year olds account for the largest portion of the prison population and also recidivate at higher rates than other age groups. These issues point to the fact that this population needs to be viewed on an individualized basis, meaning while they are closer in age to “adulthood” brain development, maturity level and cognitive thinking shows that young adults are closer to youth...

**These same approaches – juvenile diversion and alternatives to prison – would be equally successful for emerging adults.**

This is just a tragic waste of young lives – beginning young people on a pipeline to prison, rather than a trajectory toward education and employment.

Cook County has recognized the need to take a different approach to emerging adults, with the creation of the Restorative Justice Community Court in North Lawndale, and the attention by Cook County to a comprehensive public health approach to the emerging adult population. Other ideas could come from examination of the vigorous body of research from the U.K. in the Transition to Adulthood Initiative. The research and pilot projects in the U.K were inspired by the positive impact of using juvenile sentences for emerging adults in Germany (since the 1950’s), and more recently in the Netherlands.

We began the right response back in 1914 and continued through the 60's in Cook County, with the use of juvenile diversion and court responses for emerging adults – it's time to return to our roots and use juvenile justice responses for emerging adults in conflict with the law.