

Juvenile Justice Initiative

413 W. Monroe
Springfield, IL 62704

www.jjustice.org

Phone: 217/522-7970
Fax: 217/522-7980

Board of Directors:

Chair:

Terry Carmichael, *Springfield*

Vice-Chair:

Paula Wolff, *Chicago*

2nd Vice-Chair:

Rev. Charles Collins, *Freeport*

Secretary:

Jackie Bullard, *Decatur*

Treasurer:

George Hill, *Decatur*

Lucretia A. Bailey, *Chicago*
Thomas Clancy, *Chicago*
James "Chip" Coldren, *Chicago*
Patricia Connell, *Evanston*
Mary Dixon, *New Lenox*
Bernardine Dohrn, *Chicago*
John Harvey, *Maryville*
Thomas Johnson, *West Chicago*
Frank Kopecky, *Springfield*
Stanley R. Levy, *Champaign*
Andrew Lindstrom, *Homewood*
Terence Madsen, *Princeton*
Gretchen McDowell, *Chicago*
Cheryl Niro, *Chicago*
Ngozi C. Okorafor, *Chicago*
David Reed, *Evanston*
Kathy Selcke, *Hinsdale*
Leo A. Smith, *Chicago*
George Timberlake, *Mt. Vernon*
Xavier G. Velasco, *Schaumburg*
David Whittaker, *Chicago*
Ryan Williams, *Springfield*
Corinne Wood, *Lake Forest*
Malcolm C. Young, *Chicago*

Honorary Board:

Diane Geraghty, *Chicago*
Darrell McGibany, *Edwardsville*
Leroy Pernell, *DeKalb*
Jerry Stermer, *Chicago*
Randolph Stone, *Chicago*
Doug Thomson, *Chicago*
Scott F. Turow, *Chicago*

Staff:

Elizabeth Clarke, *President*
Liz Kooy, *Research & Policy Advocate*
Mary Reynolds, *Policy Advocate*

October 4, 2007

The Honorable Richard Durbin
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin,

We the undersigned are writing to express our support of the reauthorization of the Juvenile Justice Delinquency and Prevention Act (JJDP) scheduled for this year. As you know, for the past 30 years the JJDP has provided for a nationwide juvenile justice planning and advisory system which includes all U.S. territories and the District of Columbia. It apportions federal funding to improve state and local juvenile justice programs for improvement and for delinquency prevention. The JJDP also establishes the Office of Juvenile Justice and Delinquency (OJJDP). The OJJDP is a federal agency that is dedicated to supporting state and local efforts through training, technical assistance, model programs, and research and evaluation. All states must comply with the four core protections outlined in the JJDP:

Deinstitutionalization of Status Offenders (DSO) applies to minors whose "status offenses" are not considered infractions for adults. This protection seeks to ensure that truants, run-aways, and curfew violators are not held in secure adult facilities or in secure detention for long periods of time.

Adult Jail and Lock-Up Removal protects youth, charged as juveniles, from the known dangers of adult jails by prohibiting the detention of juvenile offenders in adult jails except for limited time before or after a court hearing, in rural areas, or in unsafe travel conditions. The protection does not apply to youth who have been charged as adults.

"Sight and Sound" Separation protects youth, charged as juveniles, from threats, intimidation, and other forms of psychological and physical abuse by mandating "sight and sound separation" of youth and adults when co-located in adult jails and lock-ups.

Disproportionate Minority Contact (DMC) requires all states to focus on and assess the disproportionate contact of youth of color at all points in the justice system. Studies indicate that youth of color receive harsher sentences and are more likely to be incarcerated than white youth who are being tried for the same offenses. This provision is essential because youth of color only comprise one-third of the youth population but comprise two-thirds of youth in contact with the juvenile justice system.

We urge you to ensure that the JJDP is reauthorized this year and that any final JJDP bill embodies the attached Act 4 Juvenile Justice campaign's "Statement of Principles" signed by over 150 organizations nationwide. These principles are grounded in research and their efficacy underscored by the fact that the JJDP has, for more than three decades, provided direction and support for juvenile justice system improvements and significantly contributed to the nationwide reduction in juvenile crime.

Reauthorizing and strengthening the JJDP this year would help us to make substantial pro-

gress on the following priorities for Illinois:

Reducing the number of youth in adult criminal justice system. According to the National Council on Crime and Delinquency, since 1990 the incarceration of youth in adult jails has increased 208%. In Illinois, most youth enter the criminal justice system without the benefit of an individualized hearing by a judge. Instead, they are automatically transferred to the adult criminal system based on age (17-year-olds are automatically under the jurisdiction of the adult criminal court) and charging offense. A small portion of under-18 youth enter the system after a judge has decided to transfer them to the adult criminal courts. All 17-year-olds charged as adults await trial in the adult jail system unless they pay their bonds or get one of a limited alternative to incarceration.

Statewide in 2003, an estimated 21,000 transfer petitions were filed for youth of all ages. Of these, 16,000 involved 17-year-old youth. Seventy-one percent (71%) of all arrests of young people of all ages are for non-violent crimes, while 88% of arrests for 17-year-old youth were for non-violent crimes. An overwhelming majority of youth in Illinois jails and prisons are youth of color.

Over the past few years, Illinois has considered and enacted reforms to reduce the number of youth in its adult criminal justice system. For example, the state now allows automatically-transferred drug offenders to petition for their cases to be transferred back to the juvenile court (reverse waiver). Furthermore in 2004, a Task Force on Transfer was created, resulting in the enactment of further reforms. By all accounts, the state has reduced the number of youth automatically transferred to adult criminal court by nearly two-thirds.

The Illinois State Legislature has also considered whether to increase the age of the adult criminal court's jurisdiction from 17 to 18 years of age. Due largely to concerns about the costs, this reform option has not been enacted.

Poll results of likely voters released in February 2007 commissioned by the National Council on Crime and Delinquency and conducted by Zogby International indicate that a clear majority of voters: believe that putting youth under age 18 in adult correctional facilities makes them more likely to commit future crime. (72% of those surveyed); and disagree that incarcerating youth in adult facilities teaches young people to stop committing crime (69% of those surveyed disagreed that incarcerating youth in adult facilities teaches them a lesson and deters them from committing future crimes).

Promote the safety of children in custody. We are concerned about the safety of youth who are detained or incarcerated in juvenile detention and correctional facilities

According to a 2004 research bulletin from the Illinois Criminal Justice Authority (IJCA), in the early 1990s, the number of juvenile delinquency petitions handled by juvenile courts rose steadily in Illinois. As a result, an increase was seen in the number of young offenders being held in juvenile detention facilities pre- and post-trial. This may have contributed to overcrowding in some of Illinois' juvenile detention facilities, as well as an overuse of detention for youth who were neither a flight risk nor a threat to him/herself or to public safety. Status offenders, such as minors who violate curfew and underage drinking laws, or are truant, also were being detained. At the same time, minority youth tended to be over-represented in juvenile detention facilities. As a Juvenile Detention Alternatives Initiative (JDAI) pilot site supported by the Annie E. Casey Foundation). Illinois has established "self-inspection" teams of volunteers from juvenile justice agencies, other human service systems, and community organizations. These self-inspection teams are trained to carefully examine all aspects of facility policies, practices and programs. The teams then prepare comprehensive reports on their findings and monitor implementation of corrective action plans. Benefits of this approach include: establishment of a permanent local capacity to routinely examine detention facilities; development of baseline data on conditions of confinement against which progress can be measured; identification of ways that facility policies and operations can be strengthened; and the provision of it independent documentation that can support facility administrators' requests for new resources or policies.

Reduce Disproportionate Minority Contact: In order to better understand the scope of the DMC issue in Illinois, the Illinois Juvenile Justice Commission contracted with the Illinois Criminal Justice Information Authority (ICJIA) to research and compile a juvenile justice system data analysis. In March 2006, ICJIA released *Juvenile Justice System and Risk Factor Data for Illinois: 2003 Annual Report*. The report indicated that youth of color are over-represented in the juvenile justice system in a significant number of Illinois counties where there is a measurable percentage of minority youth. The report found that white youth represent 65% while African-American youth represent 18% of Illinois' population of youth ages 10 to 16. Yet Caucasian youth represent 42% of youth who are arrested, 50% of the youth in secure detention, and 37% of youth incarcerated. Comparatively, African-American youth represent 57% of youth who are arrested, 41% of youth in secure detention, and 52% of incarcerated youth.

The Illinois Juvenile Justice Commission (IJJC) collaborates with two national foundations that have initiated programs that have selected Illinois as one of their key demonstration sites. The John D. and Catherine T. Mac Arthur Foundation launched its Models for Change in Juvenile Justice project in four states including Illinois, while The Annie E. Casey Foundation has selected Cook County Illinois as one of its national models for replication of the successful Juvenile Detention Alternatives Initiative (JDAI). In addition, between 2003 and 2005, the Commission has funded four DMC pilot sites in Illinois. These sites have received services from the W. Haywood Burns Institute of San Francisco, California, to reduce the disproportionately high number of minority youth

in their local juvenile justice systems. Implementation of the Burns Institute model raised concerns about a number of issues including intervention/treatment program gaps, local politics and lack of community involvement, transportation to alternative programs, and program sustainability.

Data collection is a particular concern worth highlighting. The IJJC's Annual Report to the Governor and General Assembly (FY 2005) on DMC notes that the state's data is unreliable and does not gather data from the nine points of contact as required by the federal JJDPA. Furthermore, the report notes that Illinois State Police follow the Uniform Crime Report summary, which does not require the collection of data on Latinos. Therefore, it is challenging to gather data on this minority youth population.

Thank you for taking the time to consider Illinois' priorities for JJDPA reauthorization. We appreciate your consideration and look forward to working closely with you on these efforts. Please don't hesitate to let us know if you have any questions or would like additional information. We can be reached through Betsy Clarke at (847) 864-1567 or bcjuv@aol.com.

Sincerely,

Juvenile Justice Initiative of Illinois
Child Care Association of Illinois
Illinois Parent Teacher Association
United Way of Illinois
Voices for Illinois Children
Illinois State Bar Association
Cook County Bar Association
Chicago Metropolis 2020
Chicago Council on Urban Affairs
The Hon. Corinne Wood, former Lt. Gov. of Illinois
Black Women Lawyers Association
Illinois Juvenile Justice Commission
ACLU of Illinois
Community Behavioral Healthcare Association of Illinois
Illinois Collaboration on Youth
Law Office of the Cook County Public Defender
Office of the State Appellate Defender of Illinois
Illinois Juvenile Justice Commission