



SECOND CENTURY

Illinois has set the pace in juvenile justice reforms for more than a hundred years. But this state must continue to take the lead

by Jonathan F. Fanton

Illinois is in the vanguard of a national move to reform juvenile justice.

This summer, the new Department of Juvenile Justice took charge of juvenile corrections in Illinois. This reform rested on strong principles, sound science and good data. Despite the widespread appeal of “get-tough” measures, leaders in both major political parties worked together in recognition of a powerful truth: Young people are fundamentally different from adults, and any system dealing with crime must reflect this difference.

Our state’s leadership on the issue comes naturally. Horrified by the execution of young people over the age of 14 — and by their neglect and deaths in adult prisons — Illinois founded the world’s first juvenile justice system in 1899. The Illinois Juvenile Court Act created a “children’s court” that focused on treatment and rehabilitation. During the first decades of the 20th century, the idea spread to nearly every state in the United States and to democracies around the world.

In the mid-1990s, rising juvenile crime peaked, and the juvenile justice system came under attack. Critics called it soft, ineffective and out of step with conditions. Nationwide, lawmakers curtailed the jurisdiction of juvenile courts and the discretion of judges. New detention centers were built, more youths were tried in adult courts

and jailed with adult offenders. Juvenile courts issued more punitive sentences and funding for rehabilitative programs dwindled. Many educational services and mental health and drug abuse treatment programs disappeared entirely.

But the fundamental question remained: Were the founding principles of the juvenile justice system true? Are young people and adults really so different, and do those differences justify distinct treatment in the justice system?

With funding from the MacArthur Foundation, a network of experts in the social sciences, psychology, criminology and the law has investigated these issues over the past decade. They worked alongside juvenile justice practitioners. Their research found that most young people are not yet capable of the complex

reasoning required for legal competence because of cognitive, social and emotional immaturity. Evidence shows that youth are more likely to defer to authority figures and succumb to peer pressure. Simply put, young people are less able to recognize the risks and consequences associated with the choices they make. The U.S. Supreme Court’s 2005 decision in *Roper v. Simmons* drew heavily on these findings to invalidate the death penalty for juveniles.

Research also demonstrates that get-tough remedies have little or no impact on juvenile crime. Indeed, harsh punishment and inadequate rehabilitative services can increase recidivism and cause problems for delinquent youth later in life. For example, a study by Jeffrey Fagan at Columbia University in New York found that

adolescents processed in adult court for felonies are nearly twice as likely to be rearrested for violent offenses within six years; they are three-and-a-half times as likely to be rearrested for violent felonies; and they are 25 percent more likely to be incarcerated.

Community-based alternatives that focus on rehabilitation and treatment have proved to be more effective and less costly than incarceration. Chicago’s Community Panels for Youth brings young offenders into dialogue with their victims and members

State juvenile justice statistics

1,434 incarcerated
2,130 on parole
92 percent male
54 percent black
11 percent Hispanic
37 percent committed a crime against a person
39 percent committed a property-related offense
12 percent committed a sex-related offense
10 percent committed a drug-related offense

SOURCE: Illinois Department of Corrections, June 30, 2005, data

of the community to address the crime and its consequences. Operating in seven of the city's most disadvantaged neighborhoods, the program's success rate is impressive: 85 percent of those who enter it do not commit another crime.

Taken together, research and experience show that children are inherently different from adults. Public systems must be designed to take such differences into account.

A five-year, \$60-million MacArthur Foundation initiative is helping officials in Illinois, Louisiana, Pennsylvania and Washington use these lessons to change their approaches to juvenile justice.

Grounded in the knowledge that young people can be redeemed, each state has embraced key principles: understanding individual differences, offering nonviolent offenders alternatives to incarceration and supporting re-integration into the community. This approach will result in fewer crimes, more functional families and more stable communities. Investing in individuals who are in trouble or at risk ultimately benefits all of us. Illinois is leading the way. For example:

- Illinois is the first state in the nation to modify its automatic transfer laws for young people charged with drug crimes. These laws automatically sent suspects as young as 15 to adult court with no possibility for judicial review of the process, their crimes or mitigating factors. In 2004, public hearings revealed that hundreds of young people were pushed into the adult system. Two-thirds were low-level offenders; 97 percent were ethnic minorities. The General Assembly unanimously overturned the laws. The legislature is monitoring the impact of those changes to ensure juvenile court retains jurisdiction for drug offenses committed by young people under age 17.
- To reduce pre-trial incarceration, the Juvenile Detention Alternatives Initiative supported by the Annie E. Casey Foundation helps assess the risk that young offenders pose and recommends such appropriate options as evening reporting centers and electronic monitoring. The results have been significant: The population

of the Cook County juvenile detention center has dropped from an average of more than 600 youths to 450.

- Loyola University's Civitas ChildLaw Center and Northwestern University's Children and Family Justice Center are working with public defenders' offices to upgrade juvenile defense services across the state. An effort to assess juvenile defenders in Cook County was so successful that a statewide review is now being organized.
- Until recently, long delays and poor assessments hampered the Cook County Juvenile Court's ability to consider mental health. Now the Cook County Juvenile Court Clinic helps court personnel recognize mental health problems, design and carry out assessments of young people in the court system and identify resources for treatment.

Illinois changes

July 1, 2006 A new juvenile justice department began operation.

February 2, 2006 MacArthur Foundation named Illinois a model state for a juvenile justice reform initiative.

November 17, 2005 A measure was approved to tie commitment of juveniles with treatment programs.

August 12, 2005 A law was enacted that gives judges discretion on whether to transfer 15- and 16-year-olds to adult court for drug charges.

2003 Redeploy Illinois created financial incentives to encourage counties, rather than the state correctional system, to deal with nonviolent juvenile offenders.

1998 Juvenile Justice Reform Act allowed judges to impose a juvenile sentence and an adult sentence that kicks in if an offender doesn't meet the requirements of the juvenile sentence.

1995 Teens were charged in adult court unless they convinced a judge they would make use of the rehabilitation features of the juvenile court system.

SOURCE: National Center for Juvenile Justice, Illinois General Assembly, Northwestern University's Children and Family Justice Center.

- For years, the state covered the costs of a young person's incarceration, up to \$50,000 annually. This inadvertently encouraged communities to lock up young people instead of using more effective and less costly community programs. The Redeploy Illinois program makes state funds available for such alternatives as those now used in Macon, Peoria and St. Clair counties, and the 2nd Judicial Circuit in southern Illinois. Estimates show a 33 percent reduction in the number of young people incarcerated and savings of more than \$2 million.

- The Illinois Juvenile Justice Commission — through the largest commitment of federal dollars put toward this goal — has four pilot sites that use a data-driven process to analyze disparities and reduce the number of minorities in the system. Additional sites will join next year.

Still, the over-representation of minorities and the differences in their treatment remains one of the juvenile justice system's most difficult and urgent challenges. It is critical to ask — and not to assume — exactly where, when, how and why these disparities arise. This is Illinois' next major task: to collect appropriate data at each decision point, from street stops to confinement and beyond; to examine the disparities along this spectrum; and to demand a process that ensures justice, fairness and accountability at each step.

As Illinois moves ahead with reform, more must be done. Advocates for juveniles are urging the state to expand the jurisdiction of juvenile corrections to age 18 and under, to increase resources for community-based programs and to expand Illinois' commitment to reducing the disproportionate number of minority young people in the system.

Expectations are high; the potential is enormous. In this second century of juvenile justice, Illinois must continue to take the lead in demanding justice, fairness and accountability in the treatment of youngsters in trouble with the law. □

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