

RAISING THE AGE OF JUVENILE JURISDICTION IN ILLINOIS

Nov. 29, 2012

AGENDA

AGENDA

- BACKGROUND
- METHODS
- LEGAL LANDSCAPE
- EFFECTS OF RAISING THE AGE
(MISDEMEANORS)
- POTENTIAL IMPACT OF RAISING THE AGE
(FELONIES)

BACKGROUND

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- Public Act 095-1031 (Raise the Age – Misdemeanor)
 - 17-year-old misdemeanants under juvenile court jurisdiction
 - Provided for analysis of the impact of the change
 - Effective January 1, 2010
 - Public Act 096-1199 (Commission Report) reassigned report and recommendations to IJJC effective January 1, 2011
- “Study the impact of, develop timelines, and propose a funding structure to accommodate the expansion of the jurisdiction of the Illinois Juvenile Court to include youth age 17 under the jurisdiction of the Juvenile Court Act of 1987”
 - 20 ILCS 505/17a-9(a)(6)

METHODS

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- Legal Research
- Best Practices/Youth Development
- Data Requests
- Practitioner Interviews

METHODS

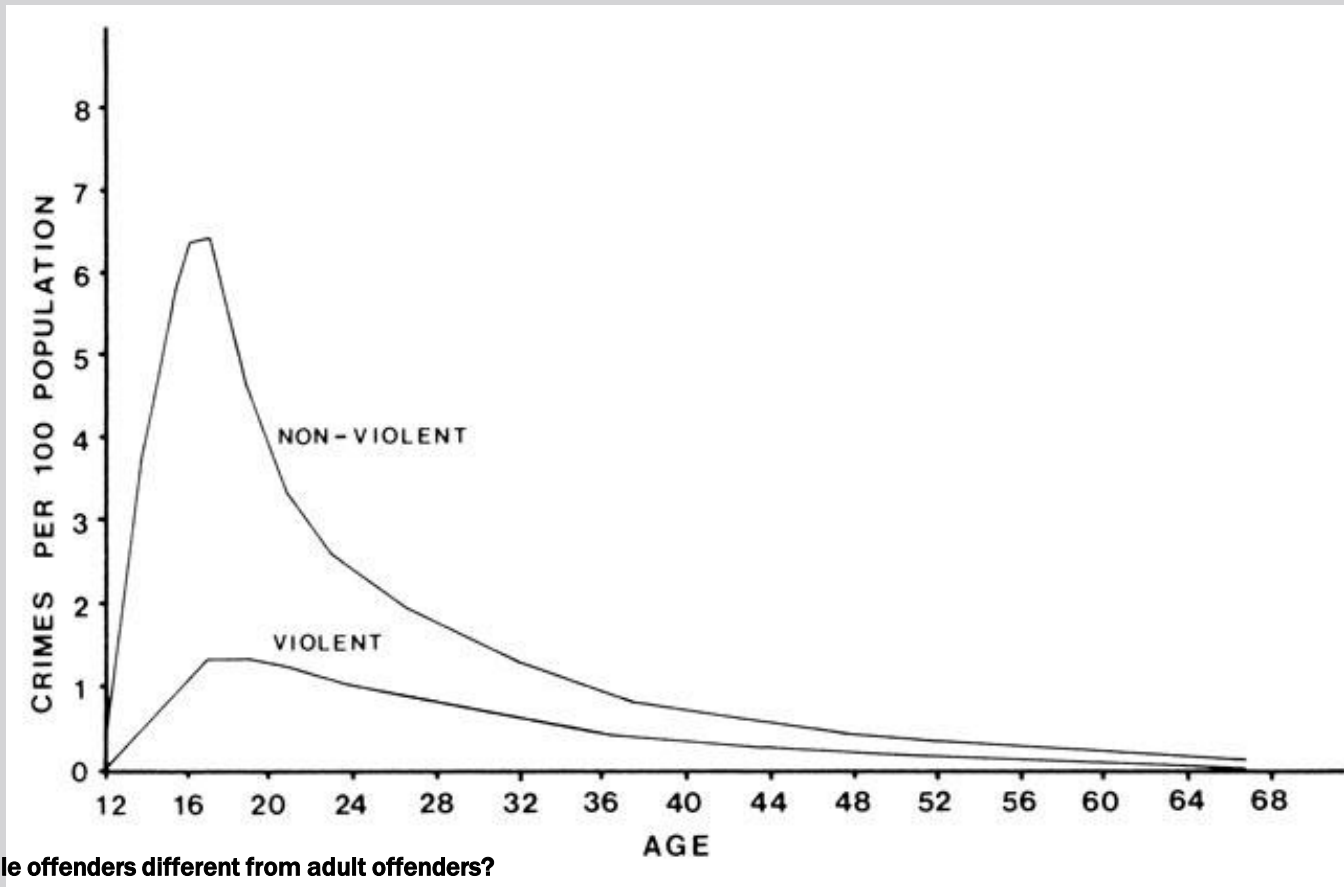
- Legal Research
- Best Practices/Youth Development
- Data Requests
 - Administrative Office of the Illinois Courts
 - Illinois Criminal Justice Information Authority
 - Illinois Department of Commerce
 - Census 2010 State Repository
 - Illinois Department of Corrections
 - Illinois Department of Juvenile Justice
 - Juvenile Management Information System
 - University of Illinois, Center for Prevention Research and Development
- Practitioner Interviews

METHODS

- Legal Research
- Best Practices/Youth Development
- Data Requests
- Practitioner Interviews
 - 12-county Sample
 - Narrative Responses
 - Law Enforcement
 - Prosecutors and Defenders
 - Probation Officers
 - Juvenile Detention Centers
 - Adult Jails

**Q: WHAT ARE THE
DEVELOPMENTAL
CHARACTERISTICS OF
17-YEAR-OLDS?**

AGE-CRIME CURVE



What makes juvenile offenders different from adult offenders?

Trends & Issues in Crime and Criminal Justice no. 409

Kelly Richards

ISSN 1836-2206

Canberra: Australian Institute of Criminology, February 2011

**Q: WHAT ASPECTS OF
JUVENILE JURISDICTION
ARE UNIQUE?**

DELINQUENCY VS. CRIMINAL COURT

Juvenile	Adult
Parental Notification of Arrest	No
Juvenile Officer to Safeguard Youth	No
Parental Summons/Accountability	No Parent Obligation or Standing
Detained with Age Peers	General Population
Option of DCFS Resolution	Unlikely
Juvenile Court Expertise: Judges, prosecutors, defenders, probation officers, detention staff	High Volume of Cases: Youth expertise unnecessary
Indeterminate Sentencing	Determinate Sentencing
Rehabilitation Purpose + Accountability	Incapacitation and Deterrence Focus
Confidential	Public Record
Decisions consider risk screenings and social history	Incomplete information

YOUTH IN ADULT COURT: RECIDIVISM AND DETERRENCE

- Centers for Disease Control and Prevention (CDC)
 - Task Force findings based on comprehensive review of every published or government-conducted study on transfer policies
- 34% more likely to be arrested if youth in the adult system
- 36 times more likely to commit suicide

“[T]o the extent that transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good . . . the use of transfer laws and strengthened transfer policies is counterproductive to reducing juvenile violence and enhancing public safety.”

“Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services” MWMR (November 2007)

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- Example study: Lanza-Kaduce (2005)
 - 950 youth offenders (475 matched pairs)
 - Youth matched by 8 variables: geography, age, gender, race, number of previous juvenile referrals, most serious prior offense, offense, and number of charges
 - Offense Seriousness (12 variables): prior juvenile referrals, multiple charges at arrest, multiple incidents involved in the case, charge consolidation, legal problems during case processing, gang involvement, codefendants or accomplices, property loss or damage, victim injury, use of weapons, felony charges, and the presence of mitigating and aggravating factors
 - **40% more likely to reoffend as adults** (persistence of criminal career) if sent through the adult system

YOUTH IN ADULT COURT: RECIDIVISM AND DETERRENCE

- June 2010 Bulletin, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP)
 - 6 total studies - between 494 and 5,476 youth in each
- Every single study showed higher recidivism in adult system – even when youth was given probation and not incarcerated
- “Laws that make it easier to transfer youth to the adult criminal court system have little or no general deterrent effect, meaning they do not prevent youth from engaging in criminal behavior.”
- “Youth transferred to the adult system are more likely to be rearrested and to reoffend than youth who committed similar crimes, but were retained in the juvenile justice system.”

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YOUTH IN ADULT COURT: RECIDIVISM AND DETERRENCE

- June 2010 Bulletin, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- Why stark differences in recidivism?
 - Felony stigma
 - Feelings of injustice
 - Fraternization with adults
 - Incarceration trauma
 - Lack of rehabilitation focus
 - Deemphasis on family support
 - Loss of employment opportunities
 - Decrease in lifelong earning potential

**Q: WHAT WAS THE
IMPACT OF RAISING
THE AGE FOR
MISDEMEANANTS?**

SYSTEM IMPACT

- ANTICIPATED IMPACT

- ACTUAL EFFECT

- ARREST
- PETITION
- ADJUDICATION
- PROBATION
- DETENTION
- INCARCERATION

ANTICIPATED IMPACT

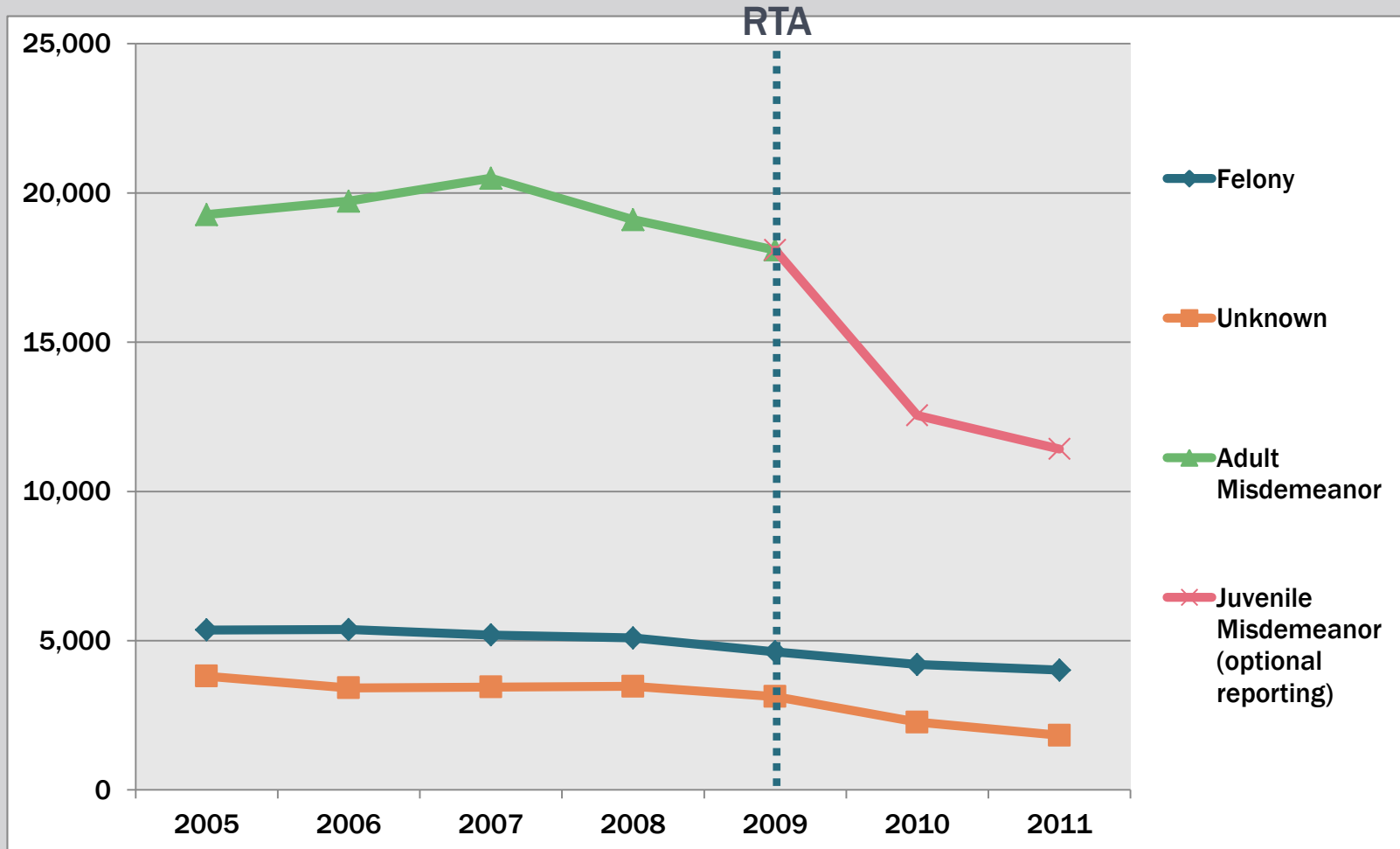
- Based on most recent arrest data at the time (2009)

ANTICIPATED IMPACT

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- +38.4%

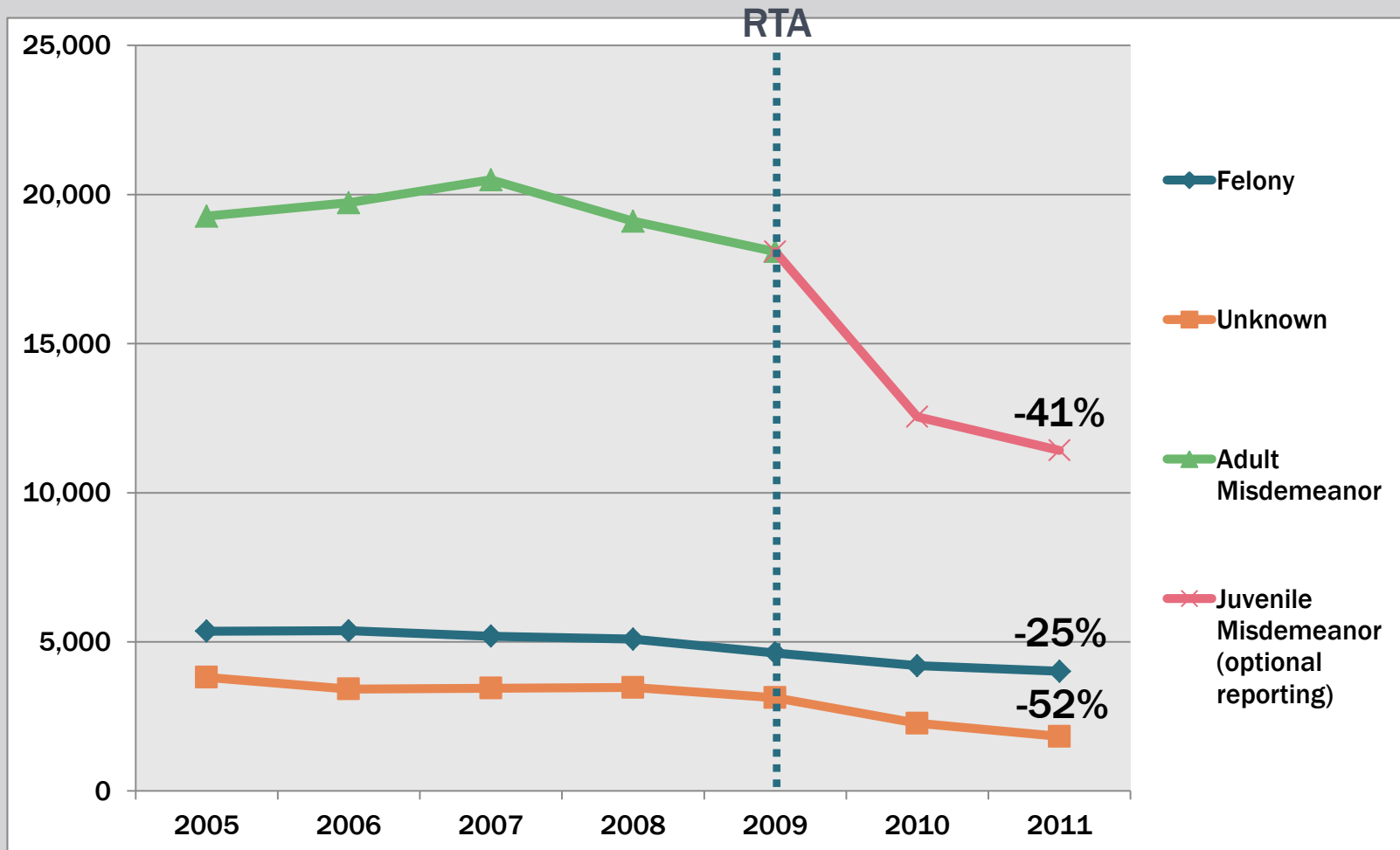
ARRESTS

NUMBER OF 17-YEAR-OLD ARRESTS SINCE 2005

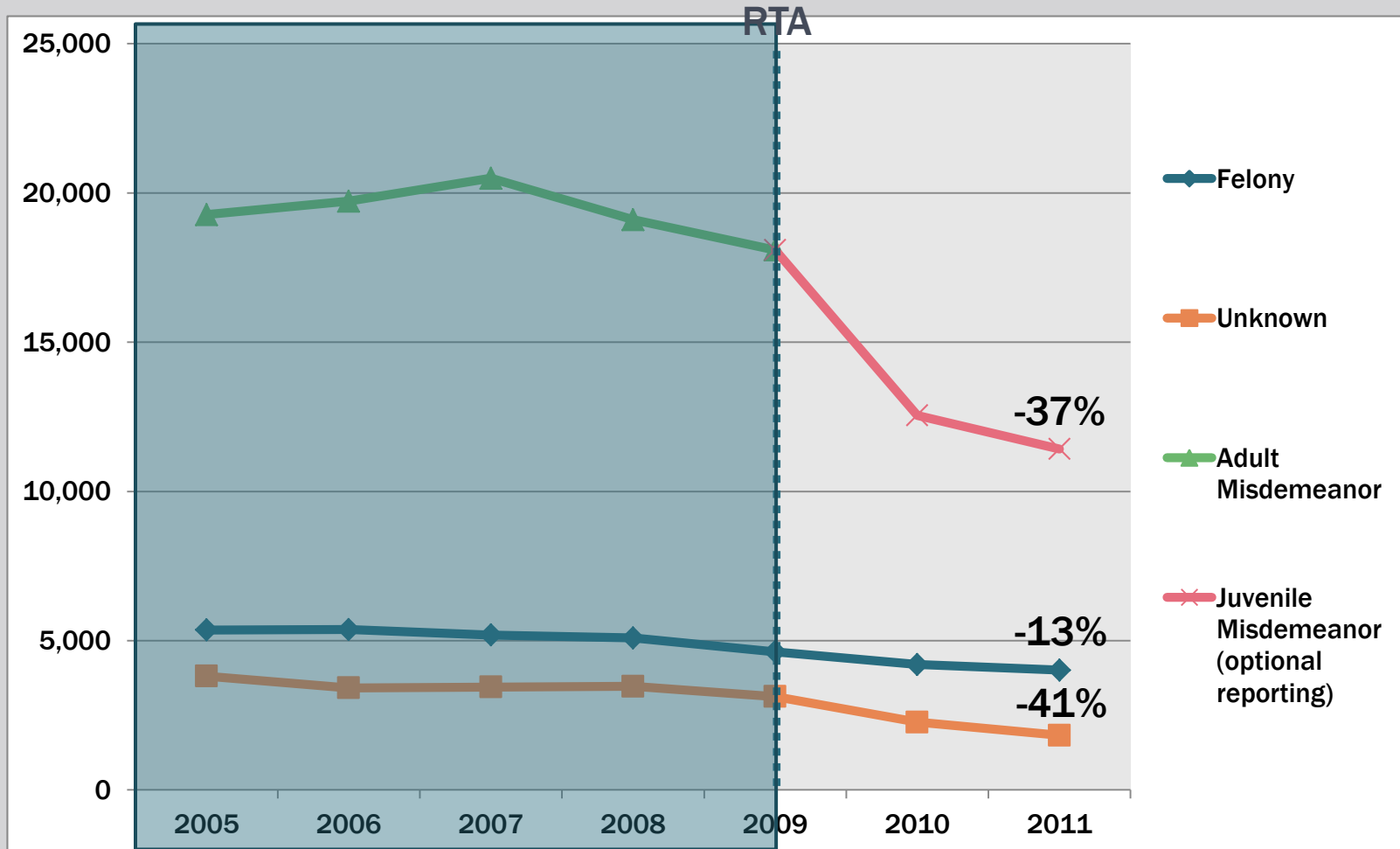


Source: ICJIA

NUMBER OF 17-YEAR-OLD ARRESTS SINCE 2005



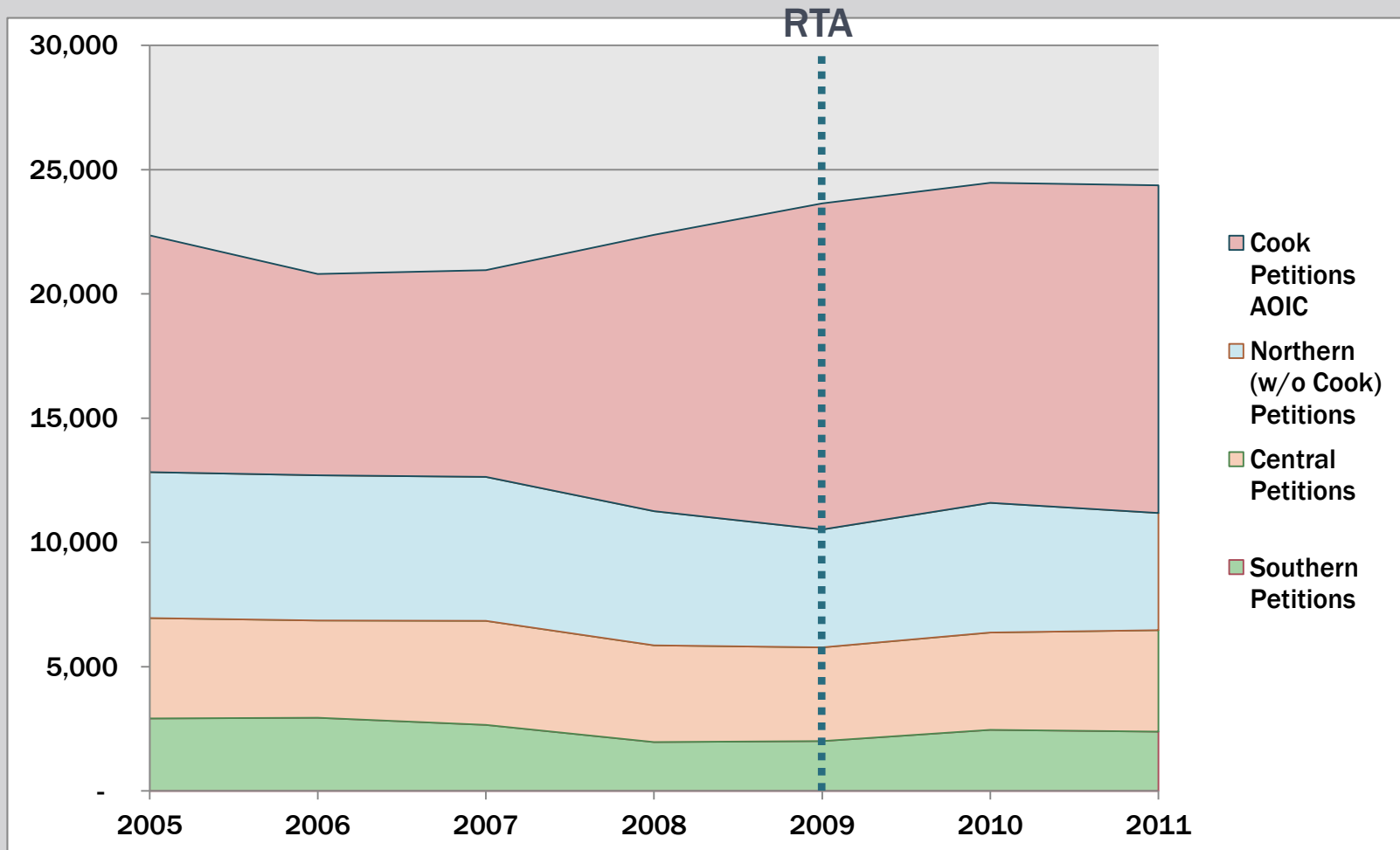
NUMBER OF 17-YEAR-OLD ARRESTS SINCE 2009



Source: ICJIA

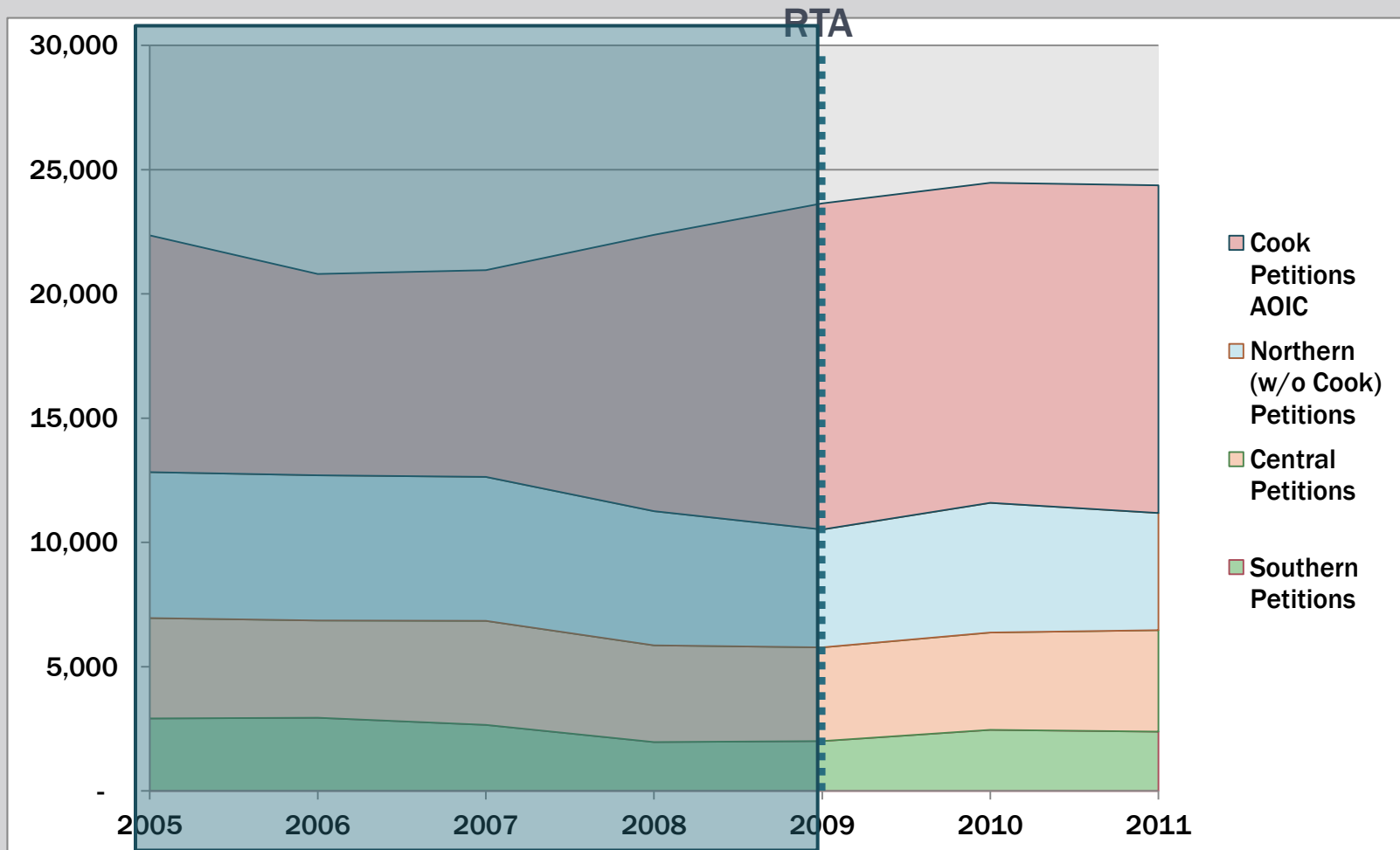
PETITIONS

STATEWIDE JUVENILE PETITIONS 2005-2011



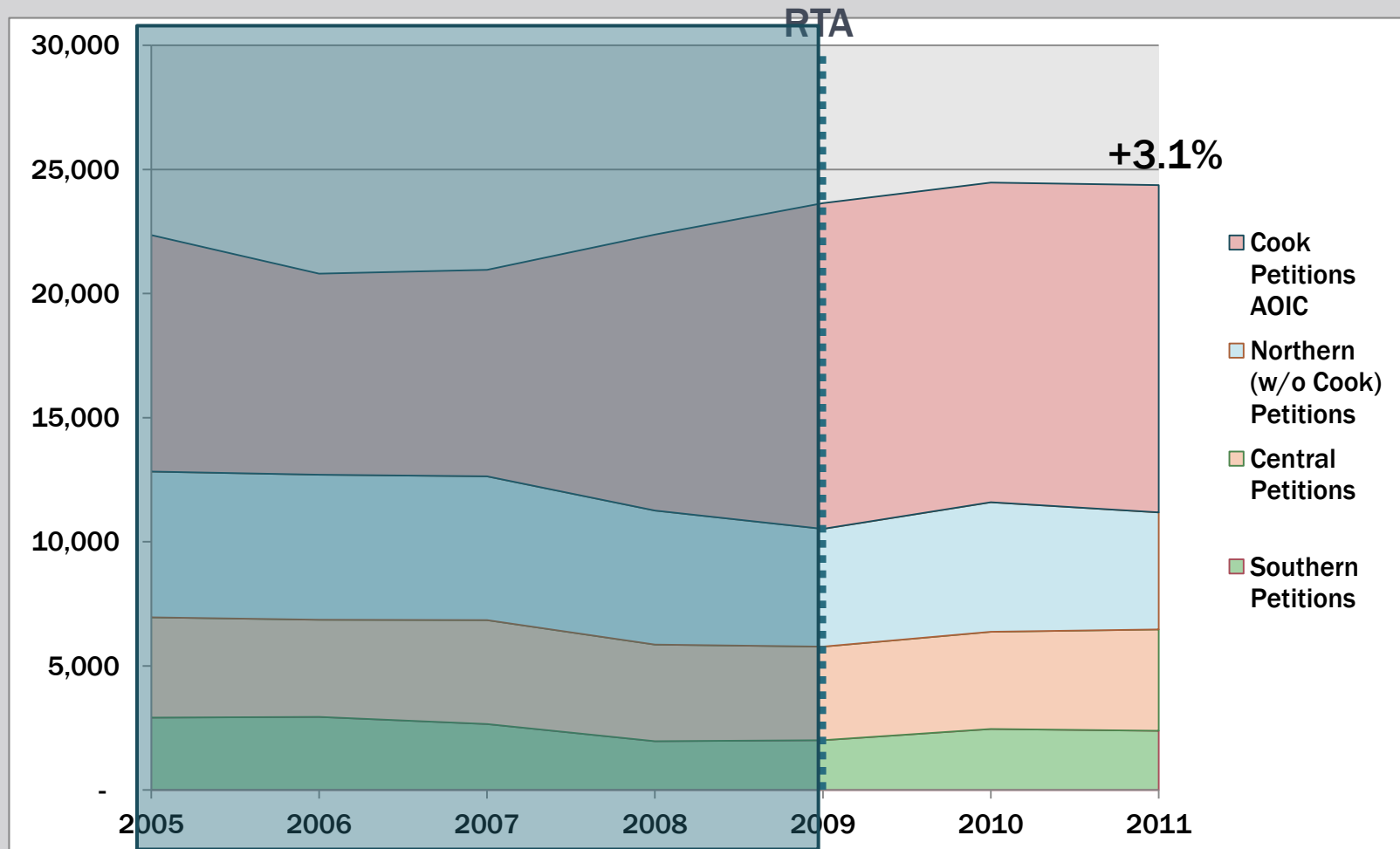
Source: AOIC, ICJIA

STATEWIDE JUVENILE PETITIONS 2005-2011



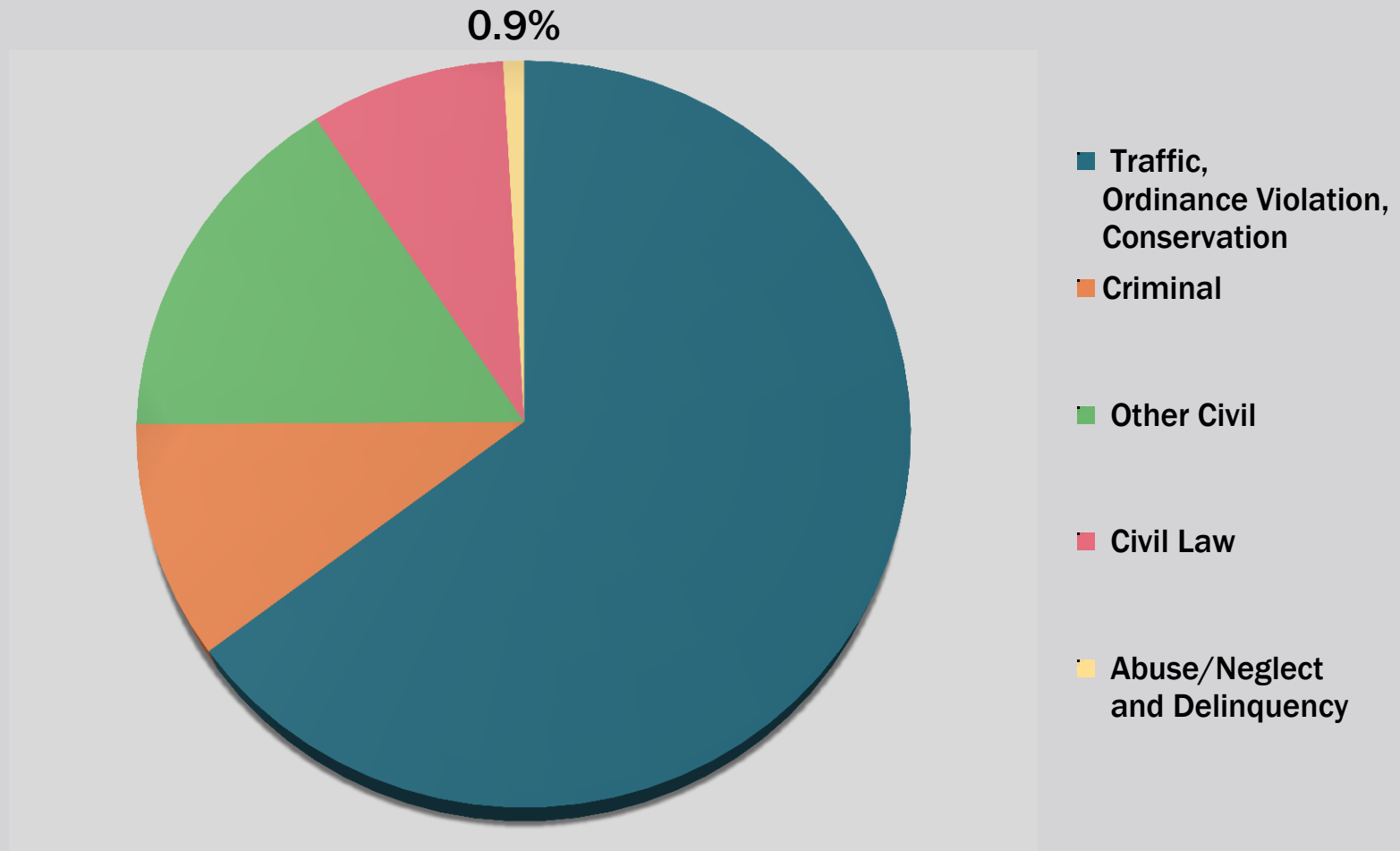
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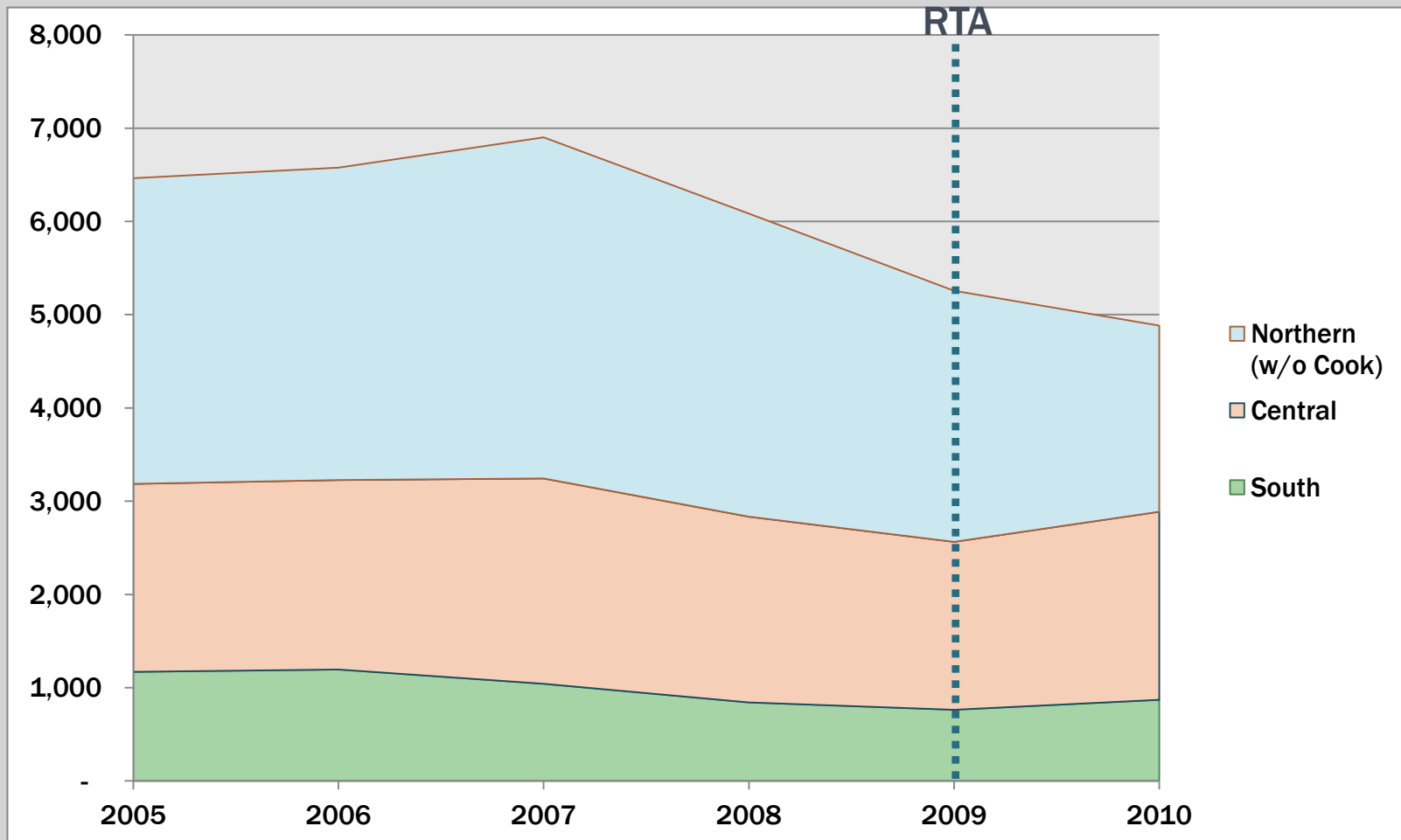
Source: AOIC, ICJIA

PROPORTION OF JUVENILE PETITIONS 2011 CASELOAD



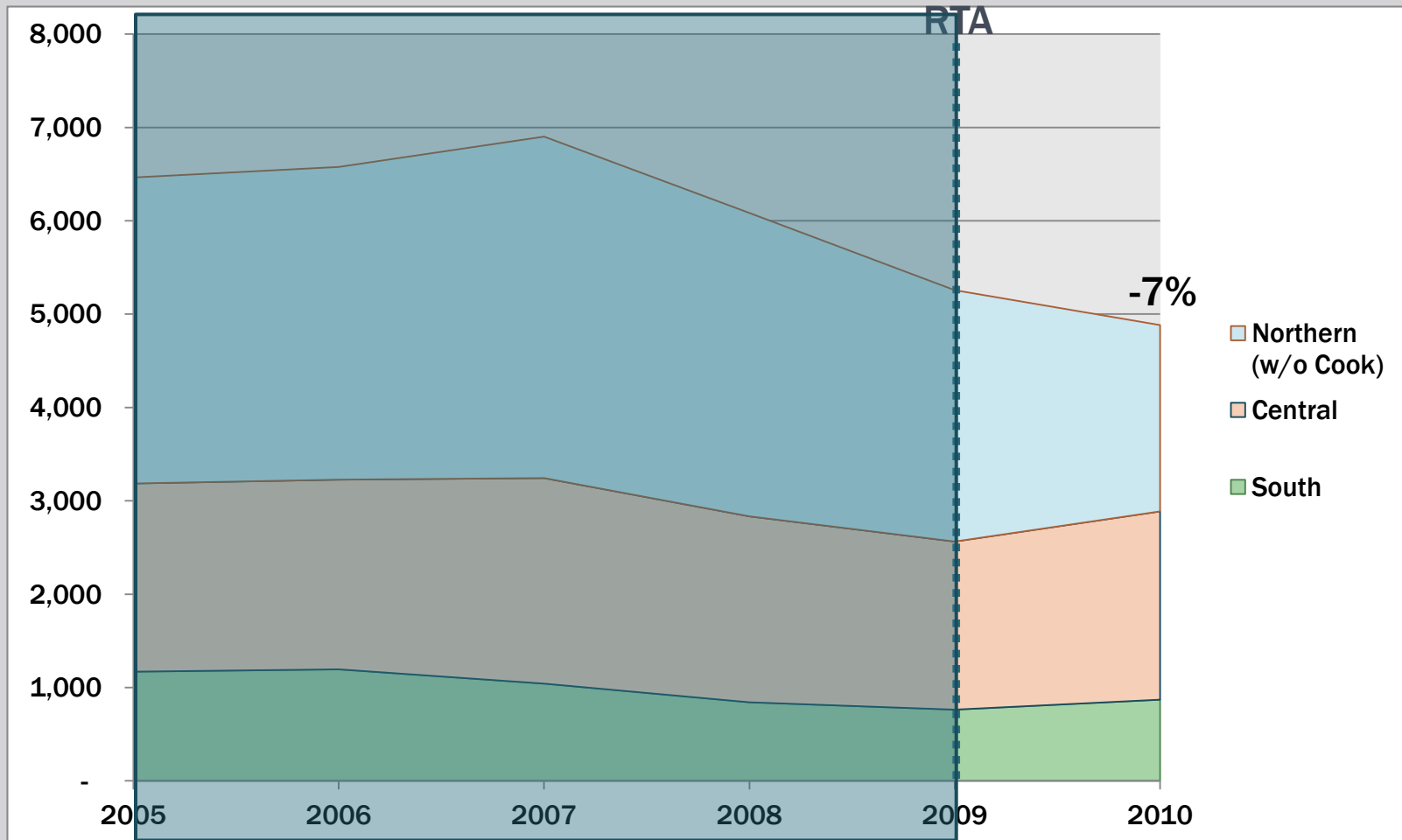
ADJUDICATIONS

STATEWIDE DELINQUENCY ADJUDICATIONS 2005-2010



Source: AOIC, ICJIA

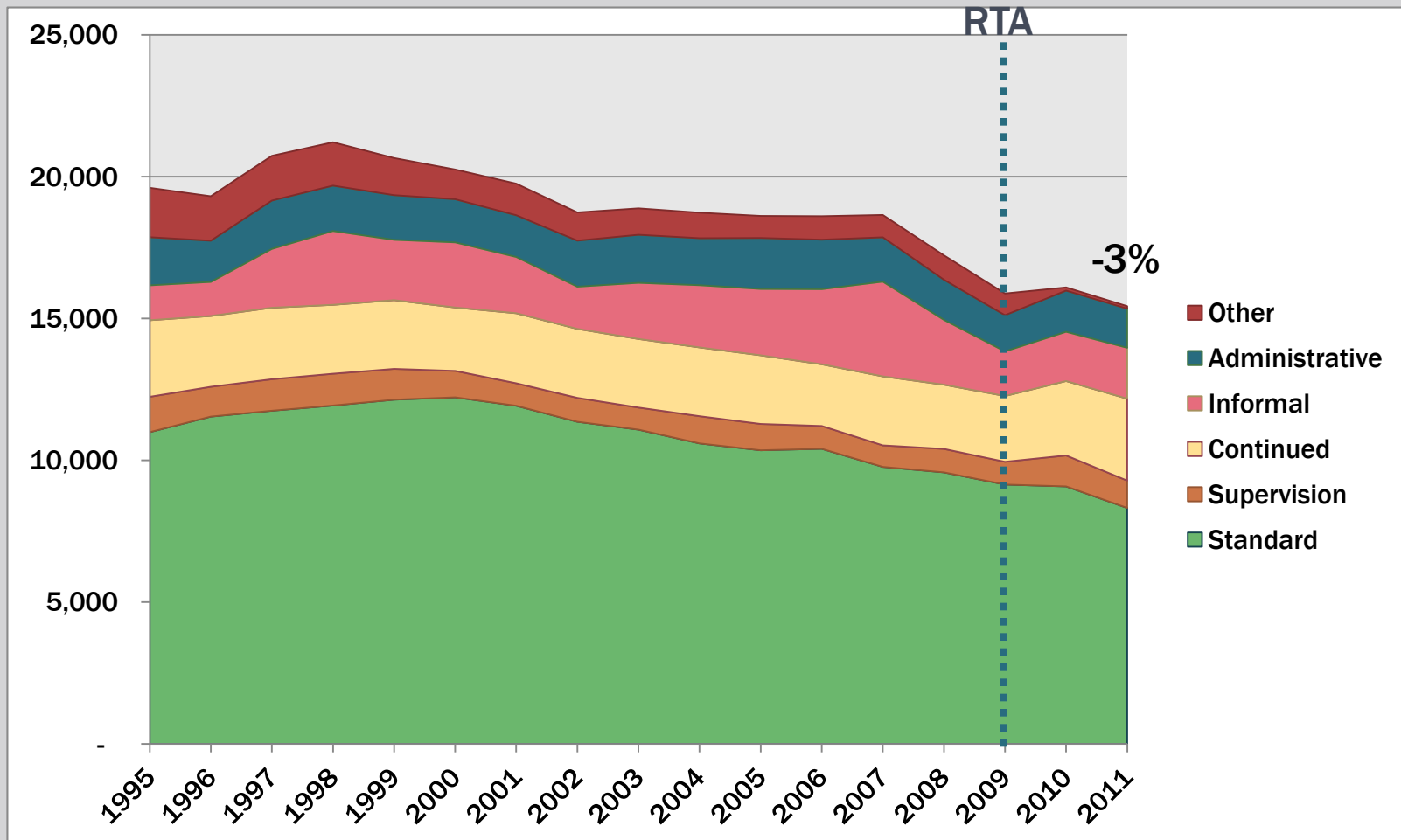
STATEWIDE DELINQUENCY ADJUDICATIONS 2005-2010



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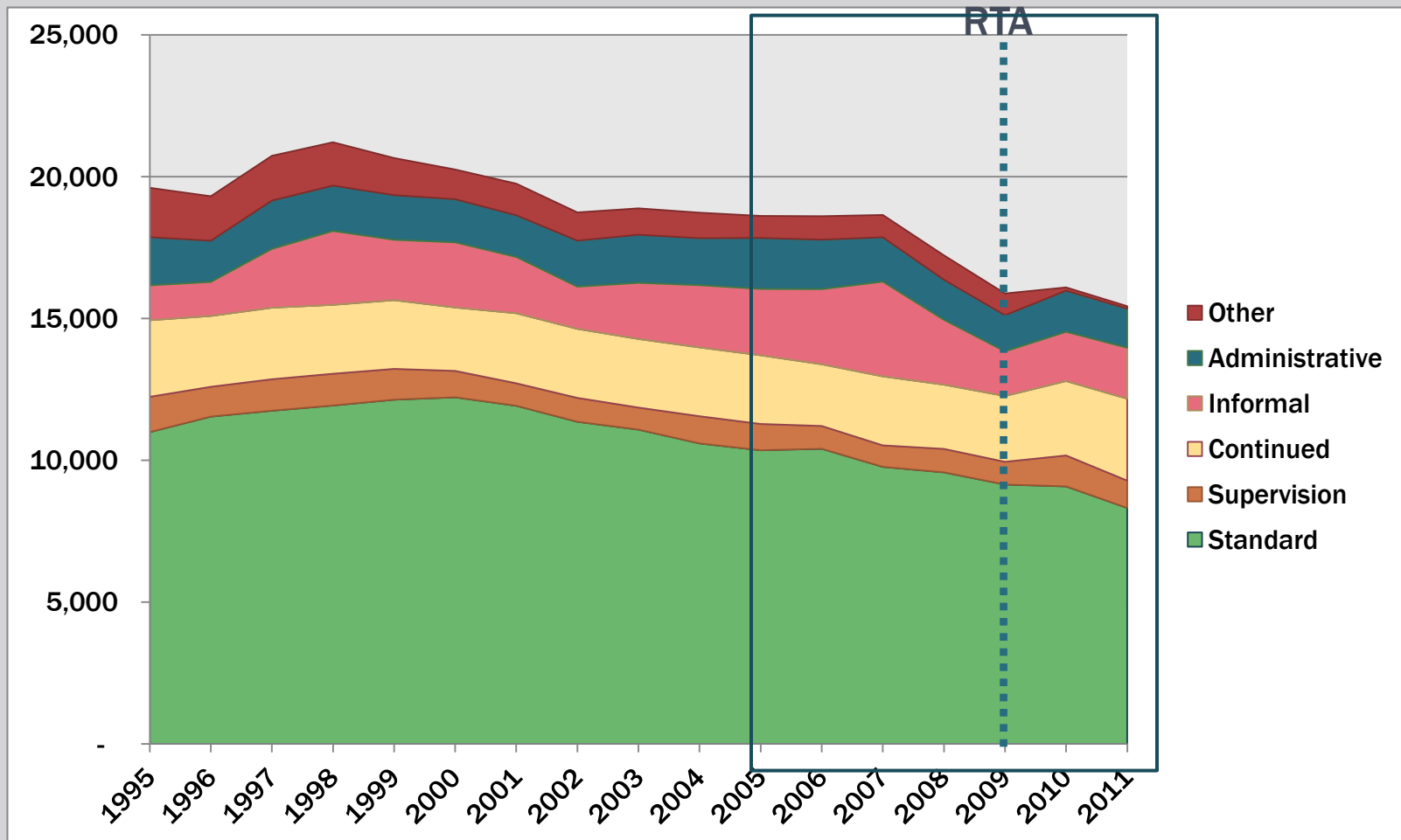
JUVENILE PROBATION

JUVENILE PROBATION CASELOAD SINCE 1995



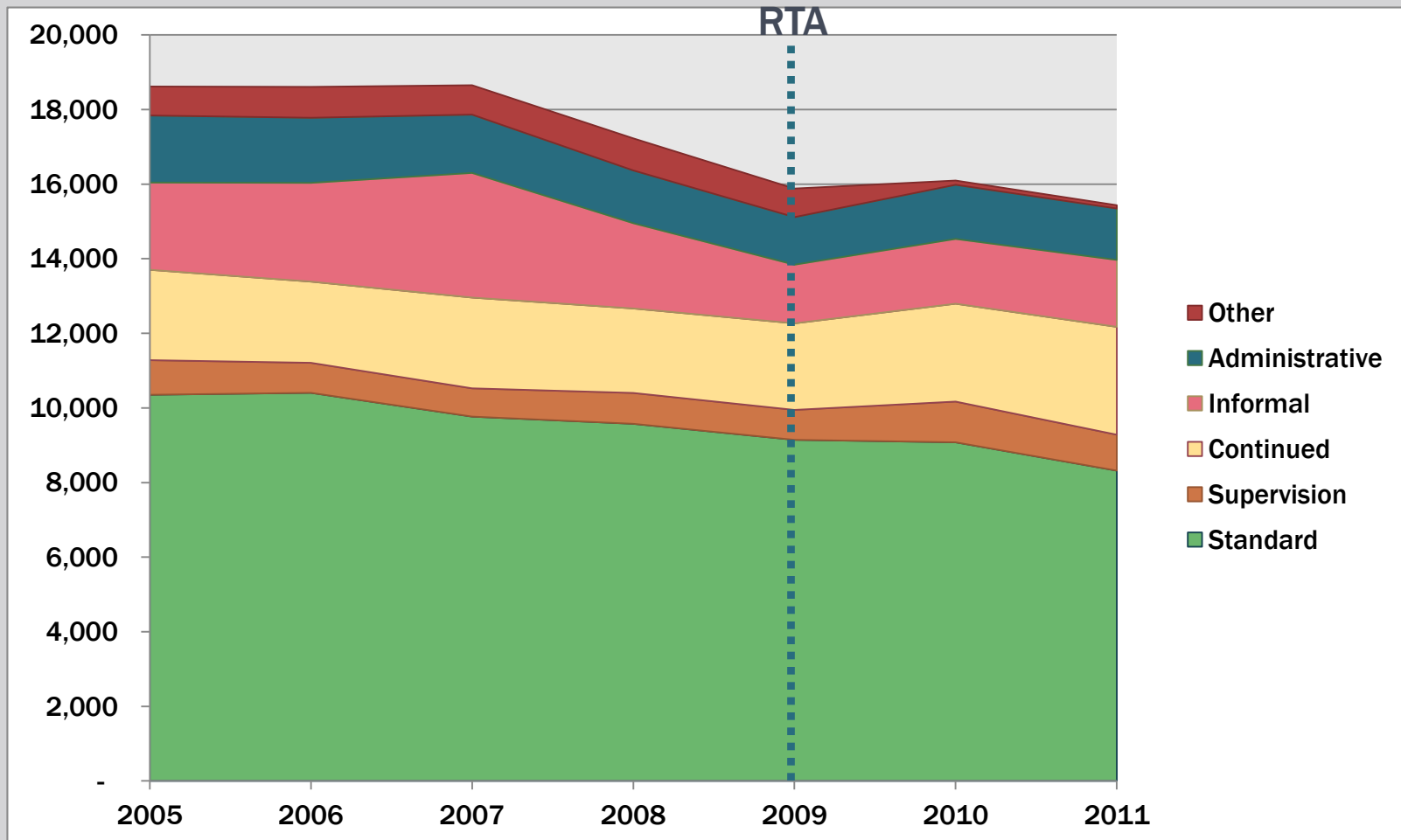
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JUVENILE PROBATION CASELOAD SINCE 1995



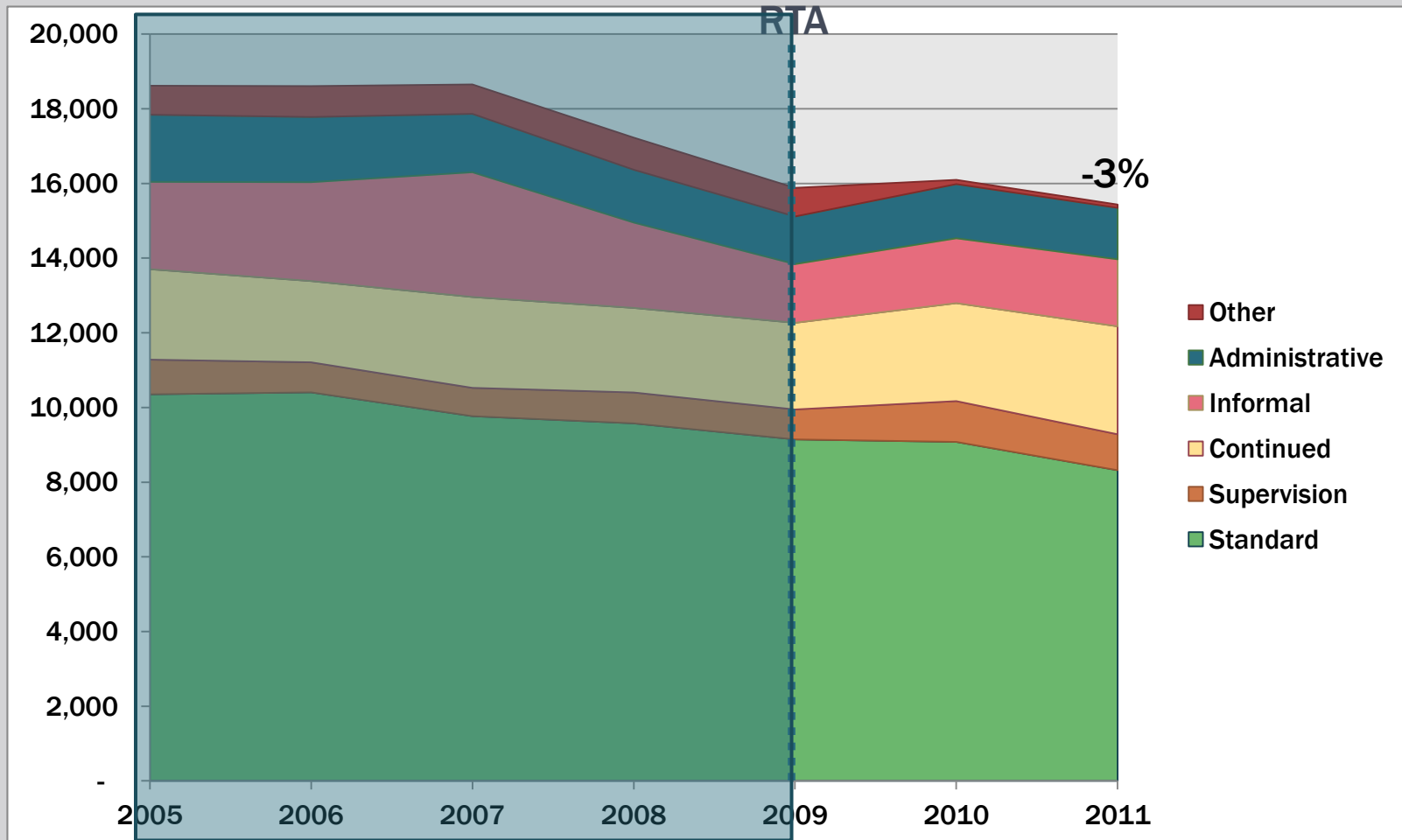
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JUVENILE PROBATION CASELOAD 2005-2011



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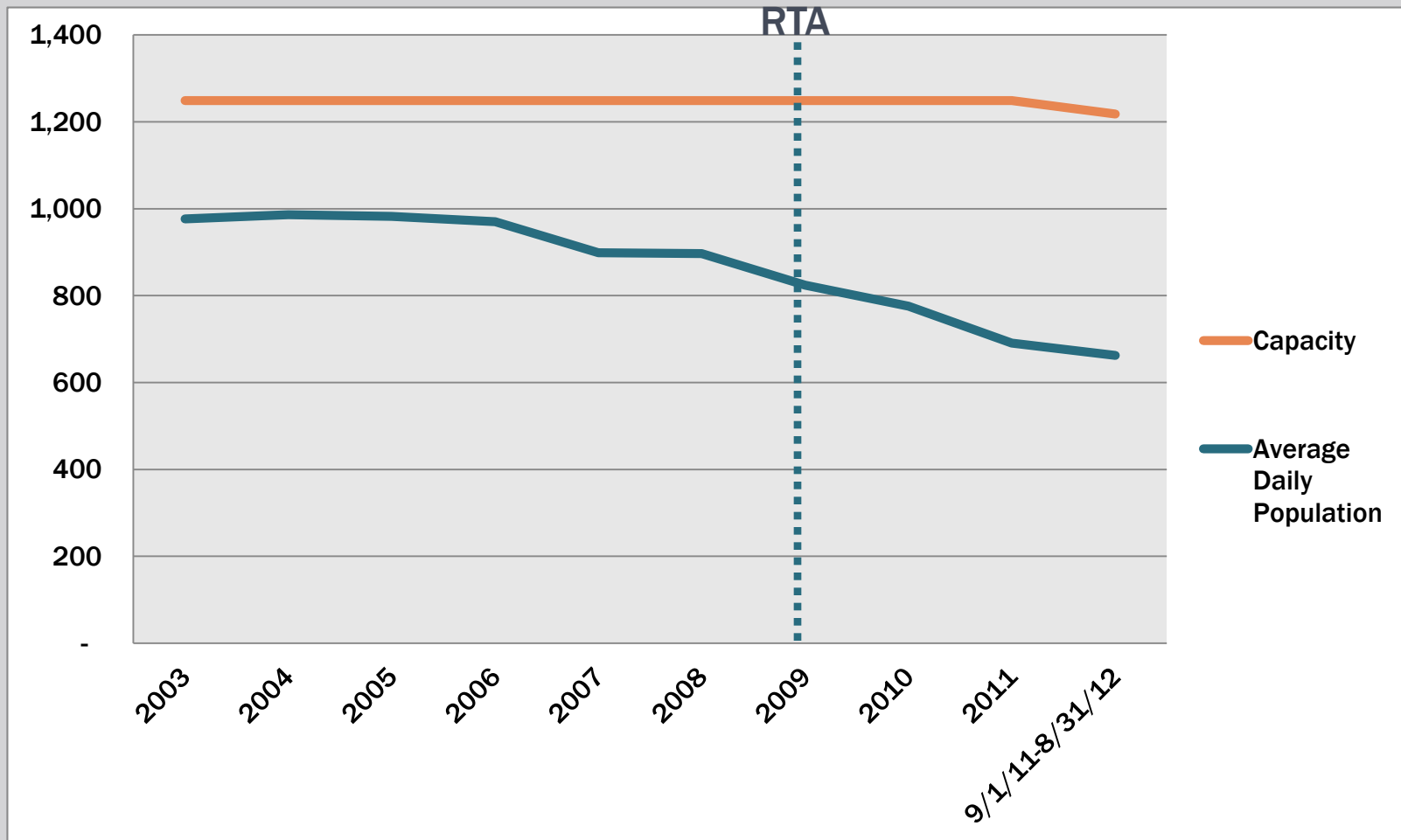
JUVENILE PROBATION CASELOAD 2005-2011



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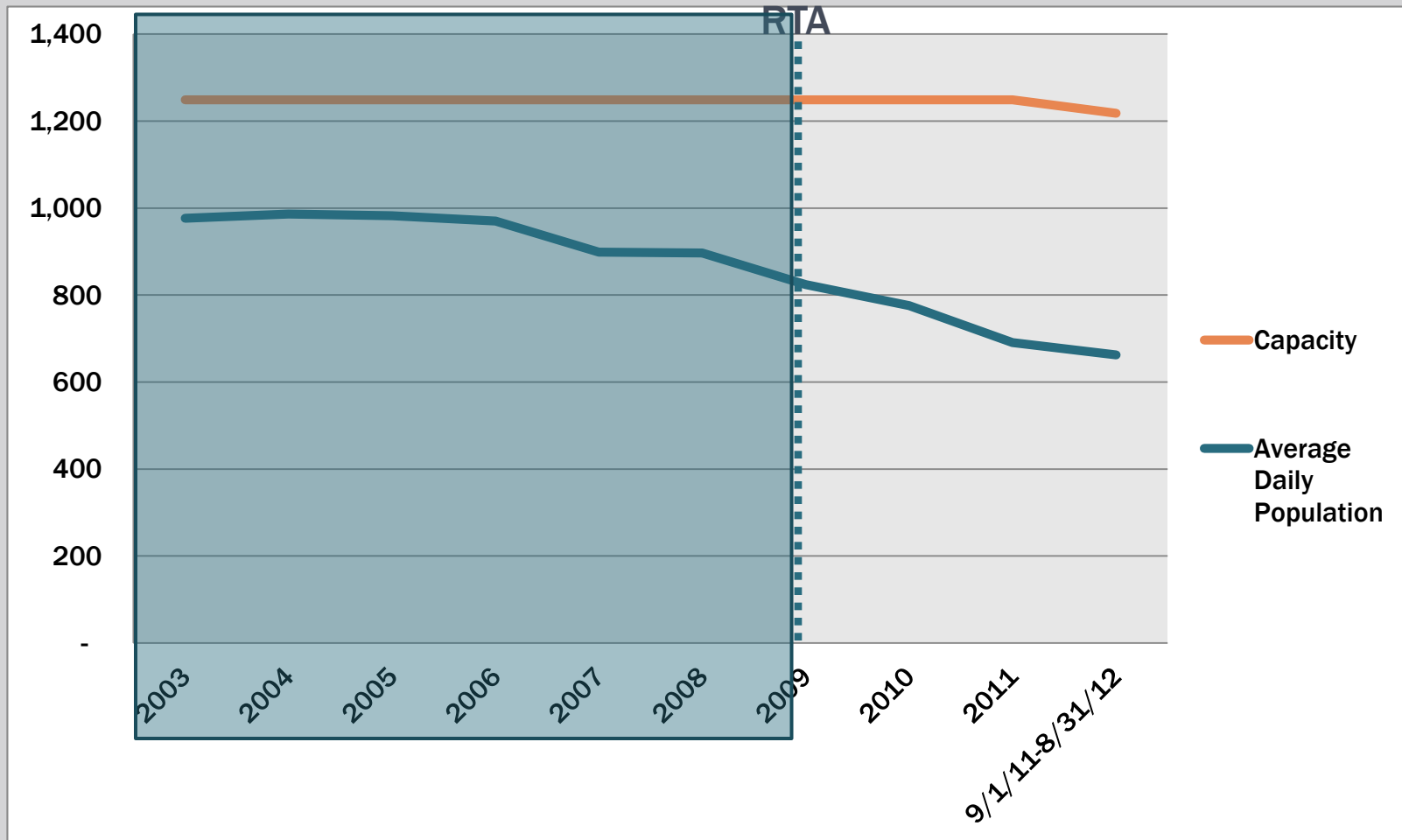
JUVENILE DETENTION

POPULATION TREND, STATEWIDE JUVENILE DETENTION CENTERS



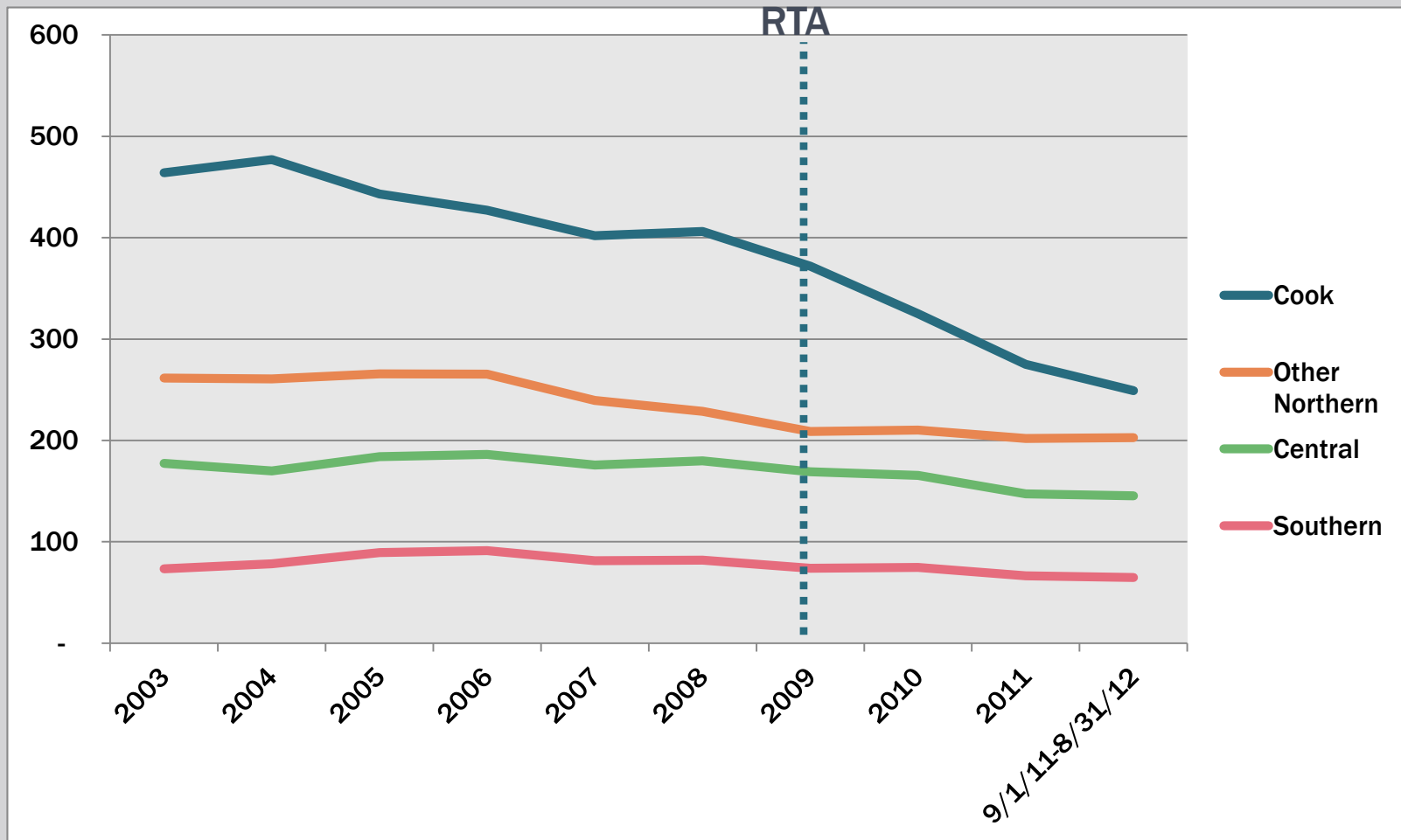
Source: JMIS, NCCD

POPULATION TREND, STATEWIDE JUVENILE DETENTION CENTERS



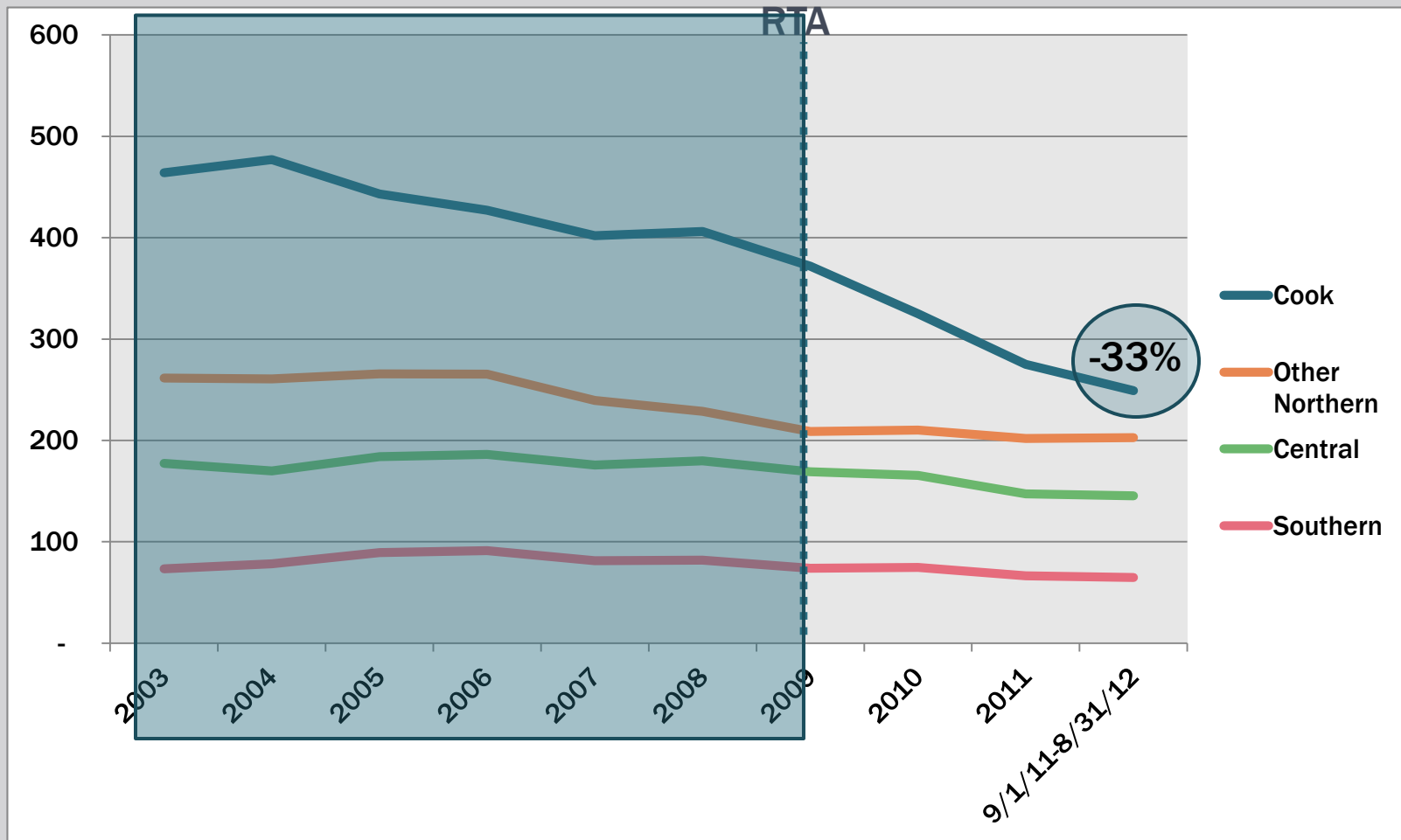
Source: JMIS, NCCD

DETENTION CENTERS AVERAGE DAILY POPULATION TREND BY REGION



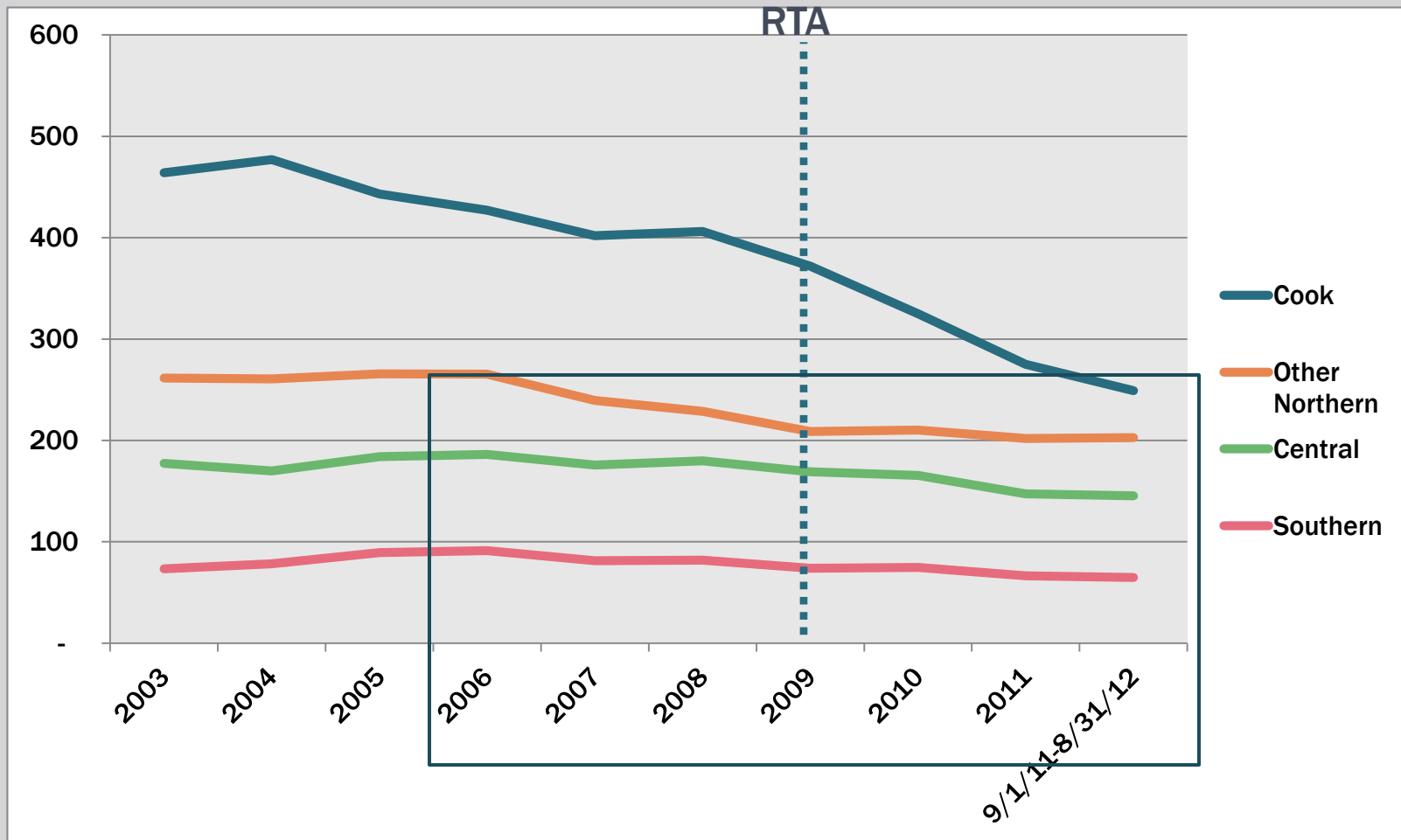
Source: JMIS, NCCD, CCB

DETENTION CENTERS AVERAGE DAILY POPULATION TREND BY REGION



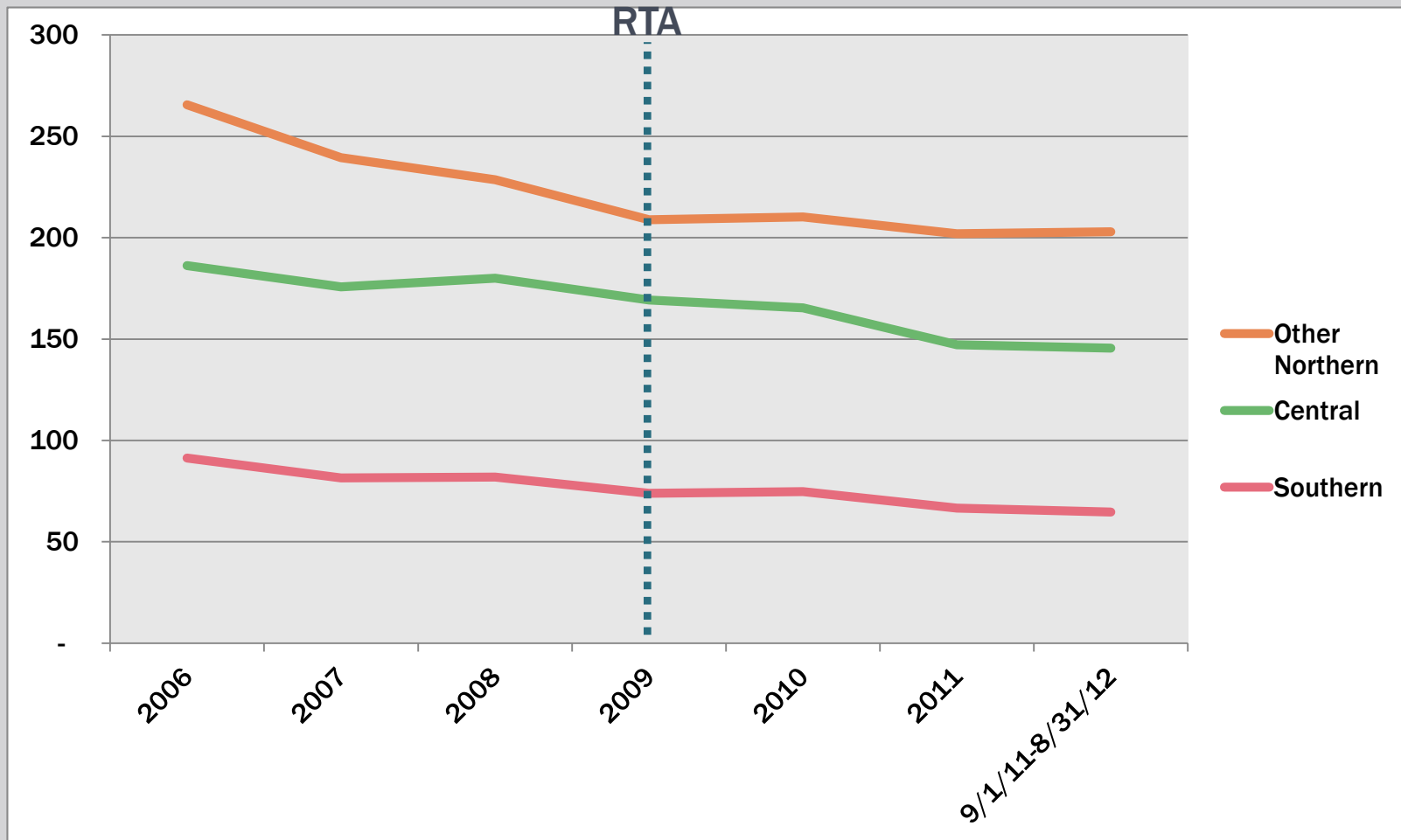
Source: JMIS, NCCD, CCB

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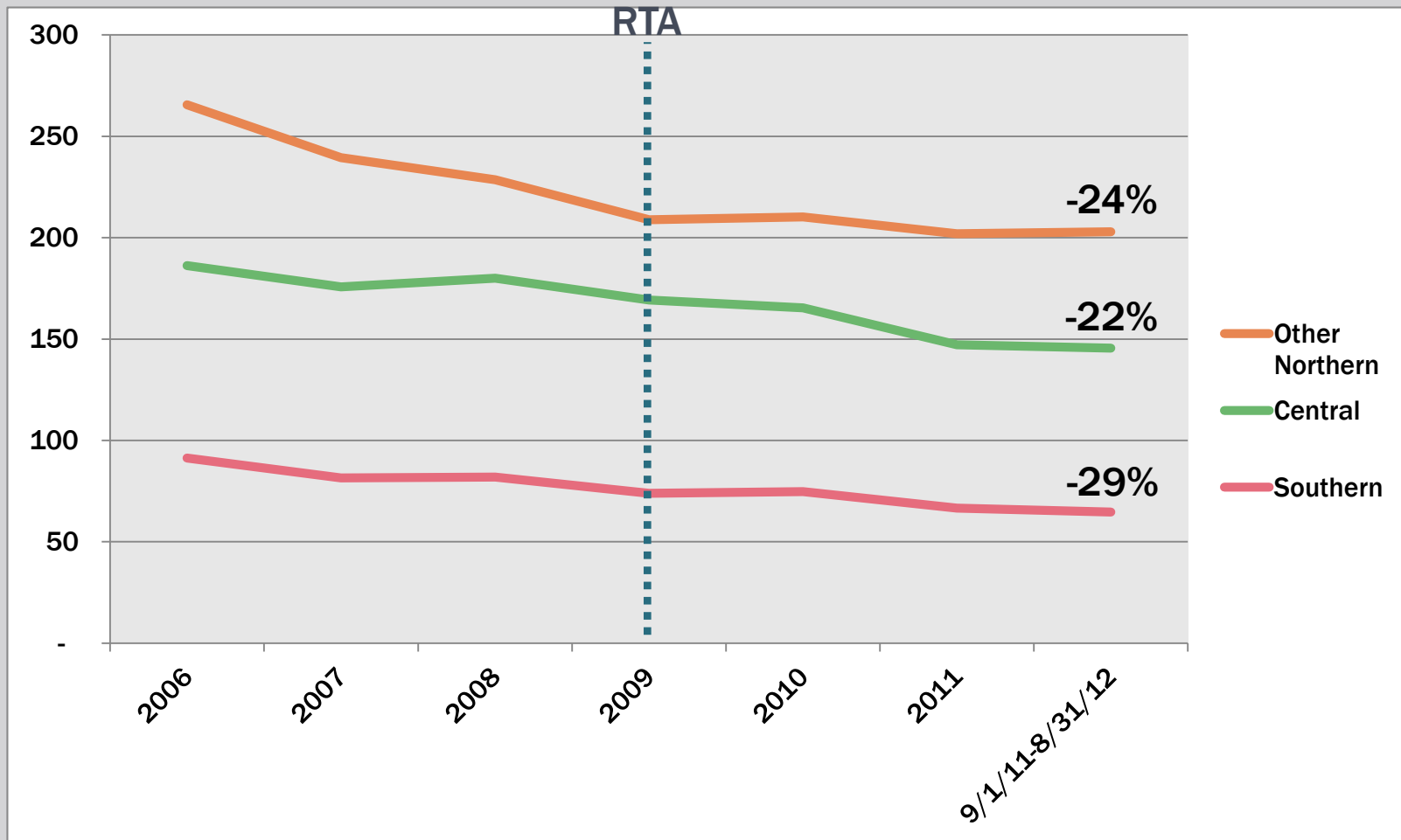


Source: JMIS, NCCD, CCB

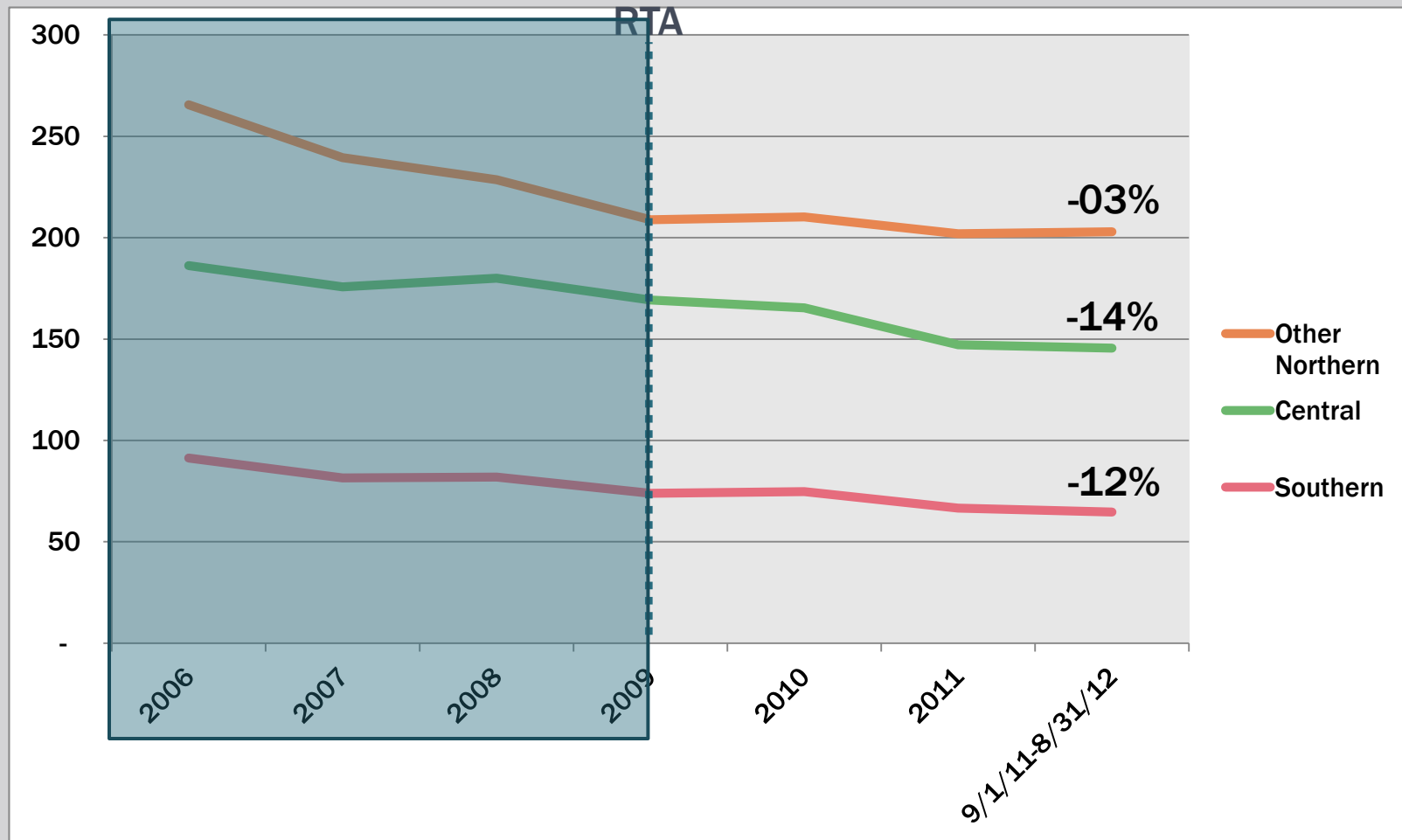
REGIONAL DETENTION CENTERS POPULATION TREND SINCE 2006



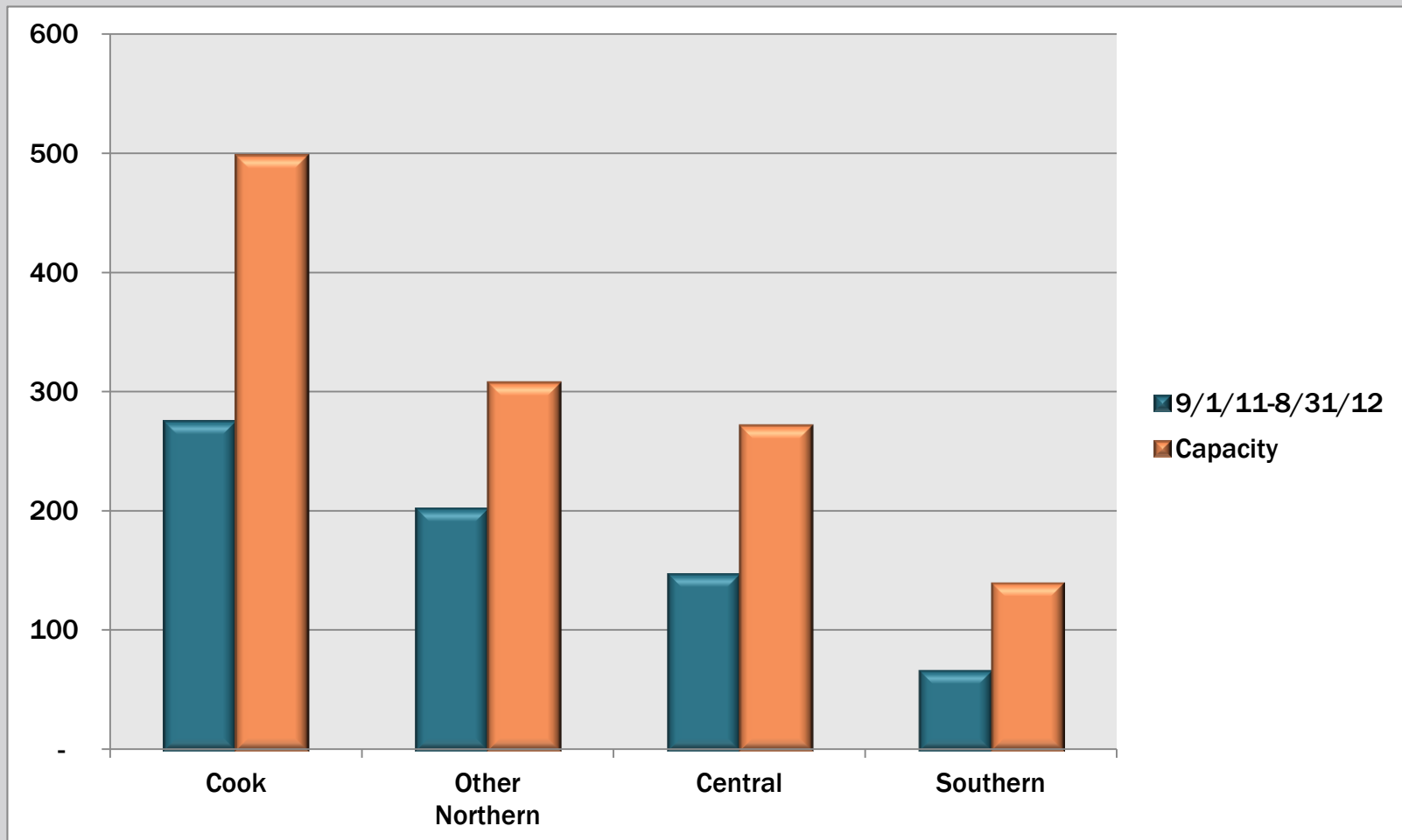
REGIONAL DETENTION CENTERS POPULATION TREND SINCE 2006



REGIONAL DETENTION CENTERS POPULATION TREND SINCE 2009

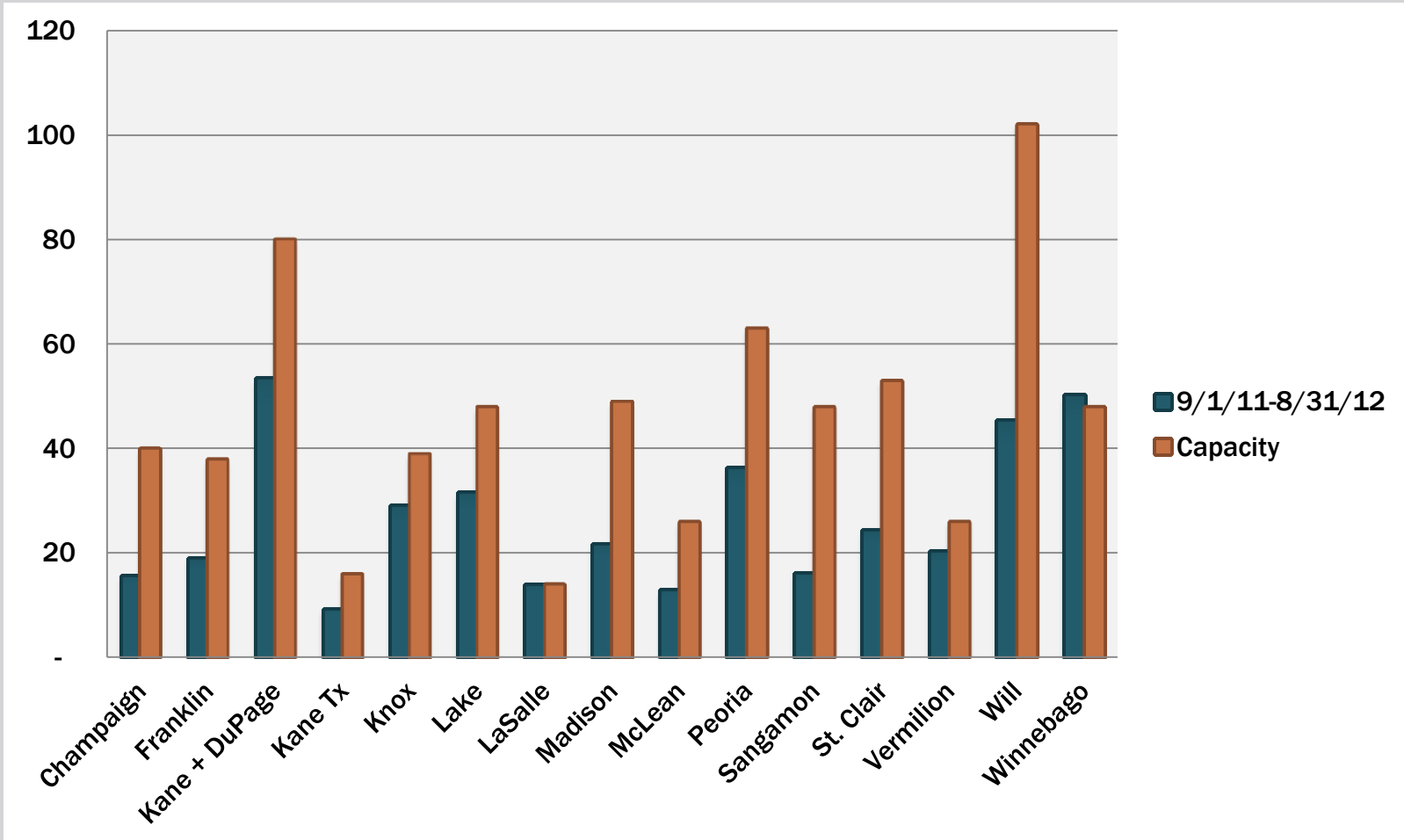


REGIONAL DETENTION CENTER POPULATION AND CAPACITY

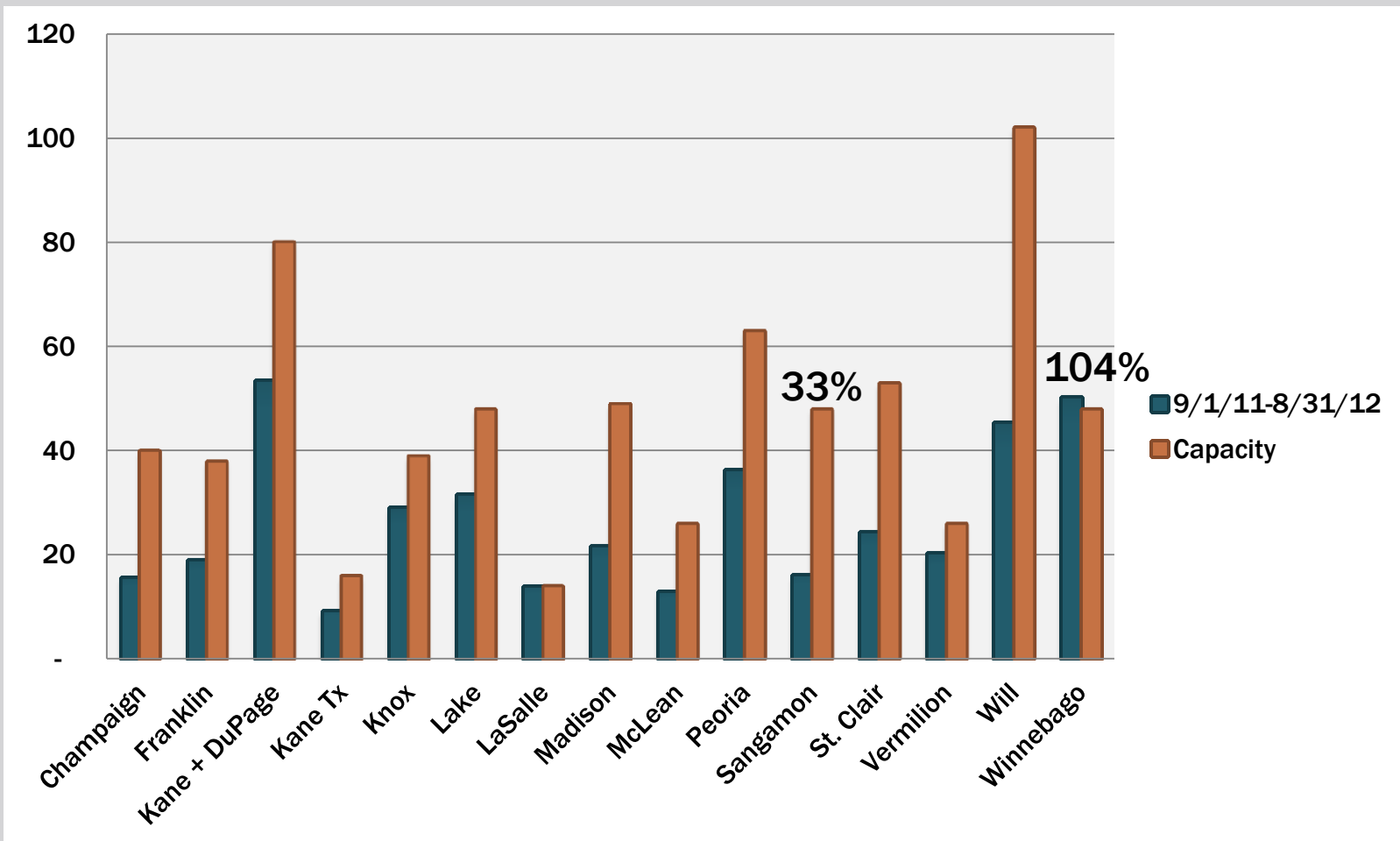


Source: JMIS, IJJC

VARIANCE, REGIONAL DETENTION CENTER POPULATION AND CAPACITY

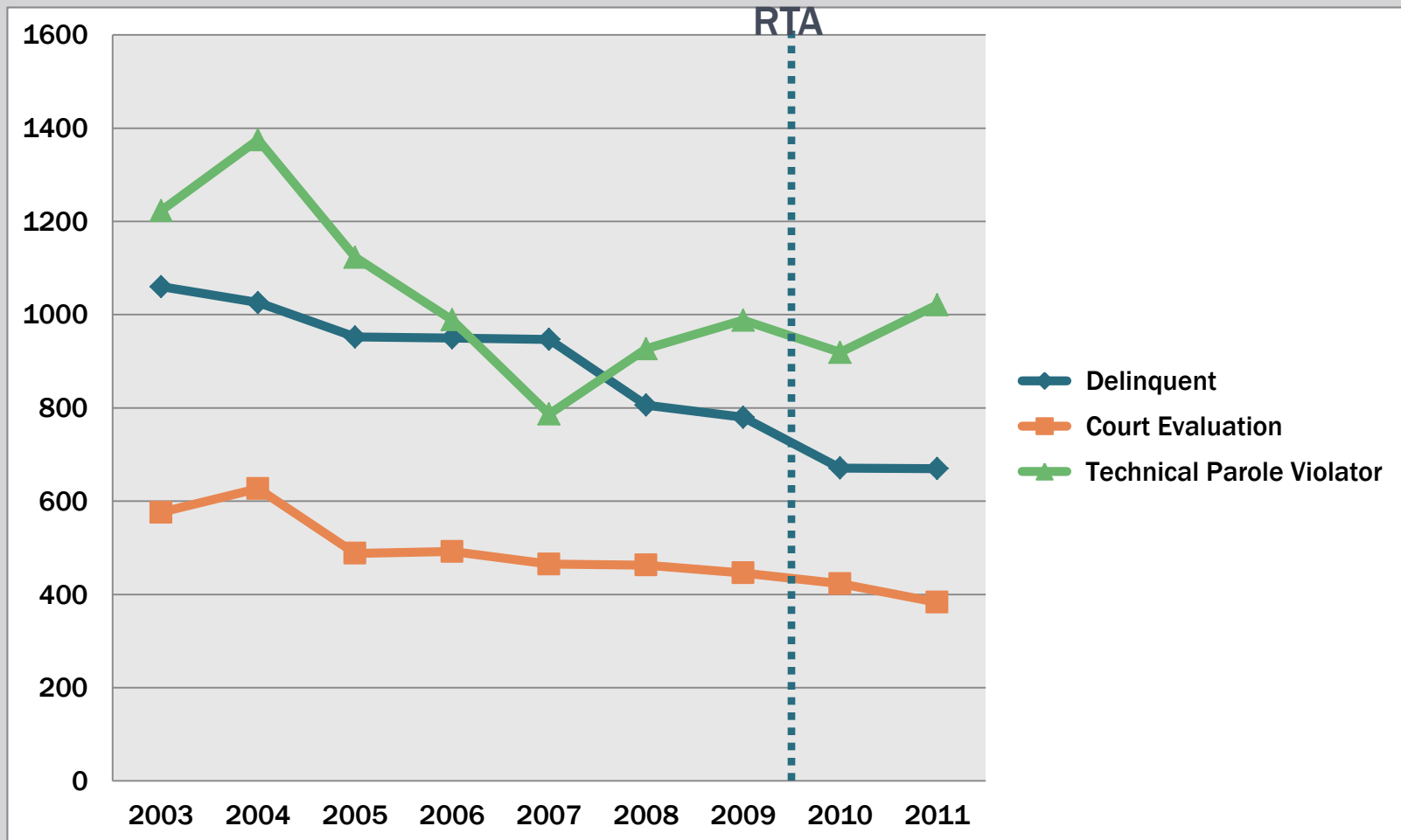


VARIANCE, REGIONAL DETENTION CENTER POPULATION AND CAPACITY



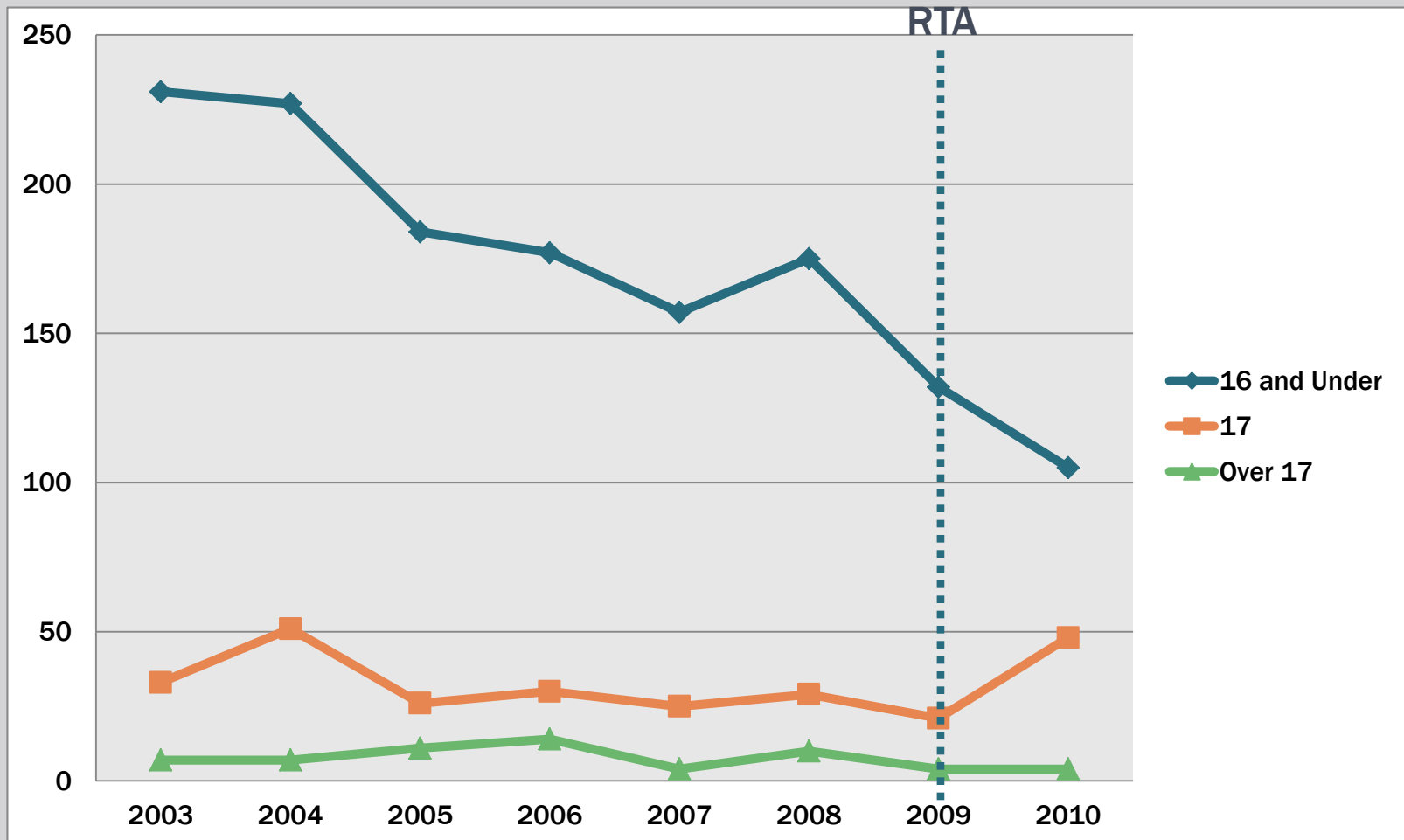
JUVENILE INCARCERATION

IDJJ FACILITY ADMISSIONS FY2003-2011



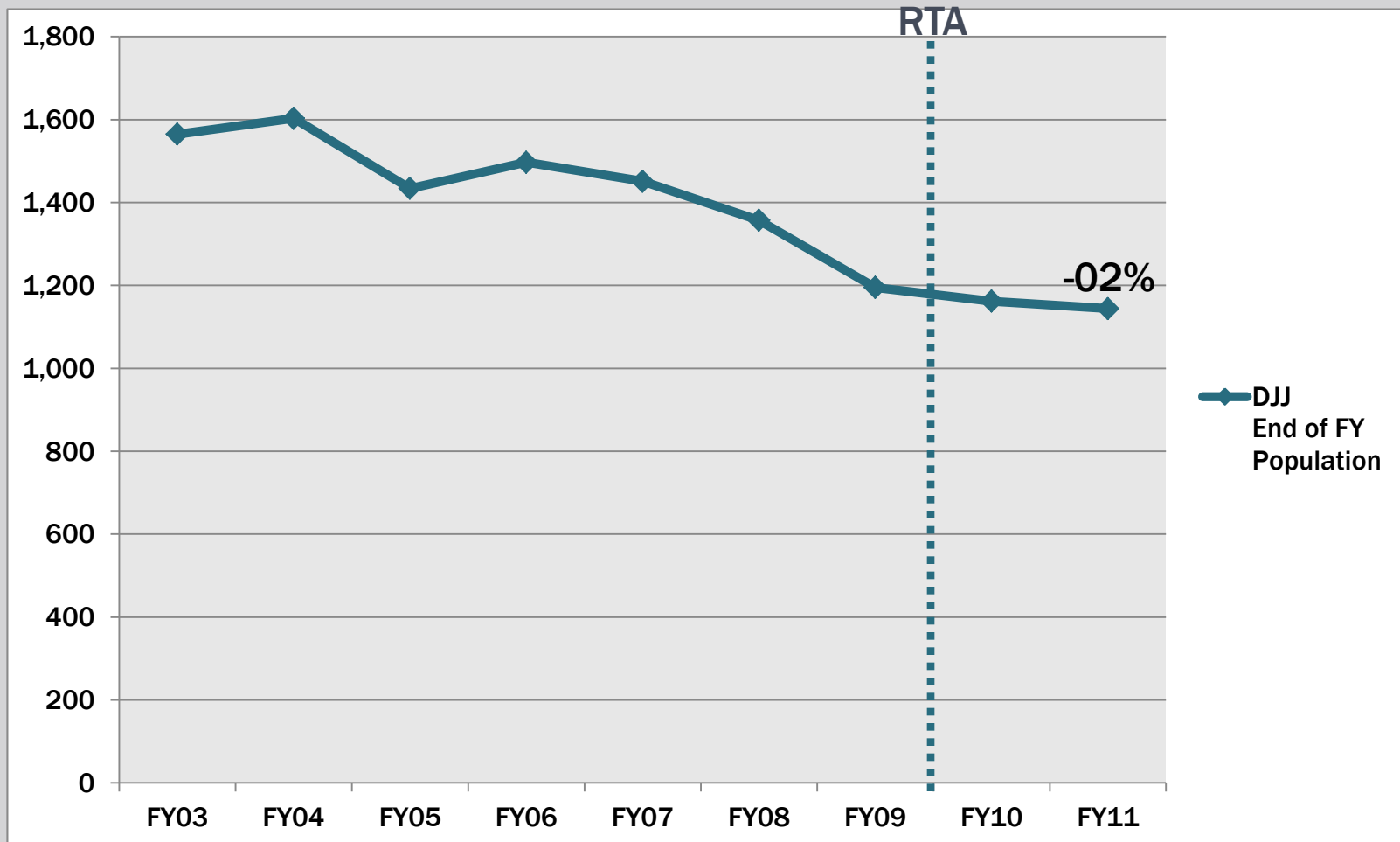
Source: IDJJ

IDJJ MISDEMEANOR COURT ADMISSIONS BY AGE GROUP



Source: IDJJ

IDJJ POPULATION FY03-FY11



Source: IDJJ

SUMMARY: SYSTEM DATA SINCE 2010

■ ARREST

- **-41%** Statewide, 17yo misdemeanor arrests (2011) (unreliable)
- **-13%** Statewide, 17yo adult felony arrests (2011)

■ PETITION

- **+03%** Statewide, all ages (2011)

■ ADJUDICATION

- **-07%** Statewide, all ages (2010) (Cook not reporting)

■ JUVENILE PROBATION

- **-03%** Statewide, all ages (2011)

■ JUVENILE DETENTION

- **-20%** Statewide, all ages (last 12 mo.); **-09%** non-Cook, **-33%** Cook

■ INCARCERATION

- **-02%** Statewide, all ages, IDJJ (FY11)
- **-15%** Statewide, 17yo adult felony admissions to IDOC (FY09-FY11)

PRACTITIONER EXPERIENCES

ENTITIES IN INTERVIEW SAMPLE

- Law Enforcement
 - Police department (largest city)
 - Sheriff's office (investigations)
- Pretrial Detention
 - Sheriff's office (county jail)
 - Detention Center
- Court Practitioners
 - Court Services
 - Prosecutors
 - Defenders
 - Probation
- State Corrections

INTERVIEWS

■ Prosecutors

■ Training

- Wide range of practices
- Some wrote policies, trained law enforcement
- Most thought there was not enough guidance by the state

■ Increasing/reducing charges

- Most mentioned difficulty in rerouting case to/from juvenile court
- Some very concerned about lack of transfer procedures and police-driven charging decisions
- Some had no implementation issues: cases come out as they come in

■ Adult misdemeanors as plea bargain

INTERVIEWS

■ Probation

- Generally supportive
- Concerned over caseloads and available services
- Have been able to handle influx
- Concern over availability of community-based programs after state budget cuts, some providers are disappearing

INTERVIEWS

■ Detention

- Early disputes between sheriff, police, and detention about where youth should go, when, and who should take youth
 - Custody
 - Budgetary
- Some youth spending time in adult lockup before transfer, need to avoid this
- Detention issues minimized because these are misdemeanants

CONCLUSION

■ Raising the age

- is consistent with legal trends
- is consistent with adolescent development and behavior
- is an efficient use of juvenile court resources
 - improves public safety
 - decreases long-term costs
- did not overwhelm the juvenile justice system

■ Experience in Illinois

- Overwhelmingly positive reaction
- Tracking impacts is key
- Practitioner workgroup to address implementation questions as they arise

Contact:

**Stephanie
Kollmann**

**312.503.1479
kollmann@nlaw.
northwestern.edu**

