

Juvenile Justice Initiative

413 West Monroe
Springfield, Illinois 62704
Telephone: 217-522-7970
www.jjustice.org

**EMBARGOED For Release at
2 p.m. Thursday, June 26, 2008**

Contacts: Betsy Clarke 847-894-4206
Liz Kooy 773-316-7327

Keeping youth out of adult courts better for children, safer for communities, according to new study

CHICAGO -- The 2005 repeal of a state law that once forced children accused of drug offenses into adult criminal courts has not compromised public safety and, instead, has provided hundreds of Illinois youth a greater opportunity to turn their lives around, according to a report released today by the Juvenile Justice Initiative.

Relying on these findings, the report calls on the legislature to enact additional measures to ensure that no child is automatically tried as an adult in Illinois.

Following the repeal of the automatic drug transfer law, the number of youth automatically sent to adult courts was lowered by two-thirds, with no detrimental impact on public safety. There also was no increase in juvenile court caseloads or waivers to adult courtrooms, according to *Changing Course: A Review of the First Two Years of Drug Transfer Reform in Illinois*. The report is part of the Models for Change: Systems Reform in Juvenile Justice initiative of the John D. and Catherine T. MacArthur Foundation.

"In the two years since the automatic transfer laws were repealed, children have been returned to the jurisdiction of the juvenile court where they belong," said Diane Geraghty, director of the Loyola Civitas ChildLaw Center, lead entity for the MacArthur Foundation's Models for Change initiative in Illinois. "This legislation returns Illinois to its original role as a leader in rehabilitating youth and protecting communities."

Illinois, where the nation's first juvenile court was founded, also has the dubious distinction of enacting some of the nation's first laws that funneled children into adult criminal courts. Illinois' drug transfer laws, adopted in the 1980s, required 15- and 16-year olds to be automatically tried as adults for drug offenses within 1,000 feet of schools or public housing. The automatic transfer provision prohibited judges from determining whether children accused of certain drug offenses should remain in the juvenile justice system. Instead, children were automatically processed through the adult criminal system. Youth of color made up 99 percent of transfers, causing the law to be called the most racially-biased juvenile drug transfer law in the nation.

"The automatic transfer did not make neighborhoods safer, but instead it branded children with criminal convictions making it less likely these young people would get the counseling, education and job skills needed to grow into law-abiding and productive adults," said Randolph Stone, Clinical Professor of Law, University of Chicago Law School. "According to the Centers for Disease Control, research shows that youth who have been tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile court system. Transferred youth are also more likely to commit more serious new offenses, more quickly."

The repeal of the automatic drug transfer law (through Public Act 94-0574) put Illinois back in the national spotlight for reform of juvenile justice policy based on data, evidence-based practices and fairness.

“These automatic transfer laws have no documented benefit to public safety, but are proven to hurt our children and create obstacles that make it difficult for youth to grow into productive, law abiding adults,” said Sharod Gordon, Policy and Justice Director for TARGET Area Development. “We’ve already seen that we can keep kids in the juvenile court and keep our streets safe. Now, we need to make sure more youth have the opportunity to turn their lives around with the support of the juvenile justice system.”

Based on the success of the 2005 repeal, the report recommends the following additional reforms:

- Juvenile court judges should be given the authority to determine which juvenile cases should be transferred to adult courts. Legislative changes could begin with crimes involving youths charged as accomplices.
- Sentencing for youth convicted in adult courts should be different from sentencing of adults, and trial judges should be allowed to consider the age of the youth when determining the appropriate sentence.
- Rehabilitative programs should be enhanced for all youth, whether in juvenile or adult courts.

“Research clearly demonstrates that adolescents aren't just little adults,” said Betsy Clarke, President of the Juvenile Justice Initiative. “They use their brains in fundamentally different ways, act on impulse and don’t think through their consequences. This is no excuse for the crime they commit, but they are much more amenable to rehabilitation than adults are.”

The full report is available at www.jjustice.org and www.modelsforchange.net.

###

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana and Washington.