

Juvenile Justice Initiative

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SB 458

**Cook County Legislation and Intergovernmental Hearing
April 29, 2005**

Good Morning Mr. Chairman and Commissioners,

My name is Elizabeth Kooy and I am a researcher and policy advocate for the Juvenile Justice Initiative. The JJI is a statewide advocacy coalition dedicated to transforming the juvenile justice system by reducing reliance on confinement, enhancing fairness for all youth and developing adequate community based resources throughout the state. JJI is interested and has been advocating for increasing the age of juvenile court jurisdiction for several years. SB 458 will bring 17 year olds under the protection of the juvenile court by changing the age of juvenile jurisdiction to 18 and will put Illinois in line with 38 other states and the Federal Government. In addition, it will make the age of adulthood the same as most other legal matters such as contracts, voting, joining the military, etc. 17 year olds charged with violent offenses will still be automatically transferred or tried in adult court. All 17 year old youth would still be eligible for transfer to adult court under this bill and there is a delayed effective date so that Counties will have a chance to plan for changes. There is time to plan for implementation – the bill currently has an effective date of January 1, 2006 – and there is a tentative agreement to delay the effective date of the detention implementation to January 1, 2007 to allow counties time to plan for changes in the detention population. Plus, this bill does not apply retroactively.

While there is virtually no opposition to increasing the age in principle, there have been concerns raised about cost. First, Cook County has done an extraordinary job over the past decade developing a range of community based alternative programming to reduce its reliance on detention – in fact, Cook has been so successful that it is the only county in the state that did not increase the number of detention beds and it is a model site for the nation. We do not intend through this change to cause any regression in this progress – indeed, we believe that Cook County can successfully accommodate the 17 year old population with its current detention capacity.

Cook County has specifically stated that this change will cost over \$20 million per year to manage the increase in caseload at the Temporary Detention Center as well as additional monies (perhaps \$100 million) to build a new detention center. Moreover, the County states that it will cost an additional \$100 million to build a new court facility or new courtrooms to accommodate the additional caseload coming to the juvenile court building. The county bases these estimates on the number of 17 year old youth currently being held in the county jail – it says over 600 17 year olds. However, juvenile prosecution is so dramatically different from adult prosecution

that this is not a valid theory – otherwise the juvenile detention center would have a far larger population of youth age 10 through 16 (and beyond) than its current population of under 450. Further, even the most generous estimates on increases in caseload would only place the court at 63% of its 1994 caseload. While advocates agree that there will be a cost involved in the change, we believe the County estimates are misleading and based on false assumptions.¹

DETENTION ISSUES

Cook County states that currently there are about 600 youth 17 years old being held in the Cook County Jail and that these youth would all need to be held in the detention center causing either overcrowding or the need for a brand new facility that can accommodate these additional youth. There is no way to compare youth held in the jail under the adult system to youth held in detention under the juvenile system and to do so is absurd. We know that youth held in jails are waiting bonds and are not screened out prior to receiving a bond from the adult court judge. By contrast, youth who are in juvenile court will be screened via a screening instrument that is designed to detain only those youth who require detention for public safety reasons. Youth in juvenile court not only can be screened out prior to any detention, they are eligible for alternative programs under the Juvenile Detention Alternatives Initiative (JDAI). Since these 17 year old youth are not committing more serious offenses than 16 year old youth, it is likely that they will be screened into these programs at the same rate as the 16 year olds would. We must not forget that many 17 year-old youth held in the Cook County jail are poor and cannot pay bond – under the juvenile system, there is NO BOND so ability to pay is not taken into consideration when determining whether or not a youth is detained.

As of this past Monday, there were only 440 youth in the detention center of all ages (10- 16 and some even beyond), so the assumption that the 17 year olds, who do not get charged at higher rates than 16 year olds, would make up more than twice the number of all youth in the detention center currently is absurd. According to the National Juvenile Court Data Archive, there are less 17 year old youth detained than 16 year old youth. Moreover, according to an analysis of the 2003 Census of Juveniles in Residential Placement, 17 year olds are detained at higher rates for drug and property crimes than 16 year olds, and they are detained at lower rates for person offenses than 16 year olds. According to the Juvenile Detention Alternatives Initiative data 27.6% of all detention admissions in Illinois were for 16 year olds.

¹ First, the main assumption that all of the increased costs are based on is that 17 year olds tend to have more serious charges than younger persons. Based on National data from the law enforcement community, this assumption is completely false. According to the Office of Juvenile Justice and Delinquency Prevention under the Department of Justice, 17 year olds are charged with crimes against persons less often than 16 year olds are charged with crimes against person. (18% of referrals to court for 17 year olds are for person offenses while 19% of referrals to court for 16 year olds are for person offenses). According to National Juvenile Court Data Archive, 17 year olds are charged with certain crimes at higher rates than 16 year olds and these include crimes such as prostitution, fraud, drunkenness, drug law violations and liquor law violations. According the FBI's Uniform Crime Report, there are more arrests for males ages 17 compared to age 16, however the vast majority of the additional 40,000 more arrests across the nation is due to the increase in arrests for driving under the influence, liquor law violations, drug abuse violations and drunkenness. Arrests for motor vehicle theft, arson, and assaults are some examples where 17 year olds were arrested less often than 16 year olds. Thus, while there may be more 17 year olds arrested than 16 year olds, it is not correct to say that 17 year olds commit more serious crimes than 16 year olds nor that 17 year olds will be charged with more serious crimes than 16 year olds.

From all of this data, it can reasonably be inferred that the percentage of 17 year olds in the detention center under this proposed legislation would be close to the number of 16 year olds currently detained. From all of the different sources I have sighted, we can conclude that somewhere between 100 and 160 additional youth would need to be accommodated in the detention center under this bill. (That is if the Cook County system does actually approximate the National system as a whole).

Currently, the detention center is 58 youth under capacity and during the past few months, the detention center has done an incredible job of reducing its population by at least 50 youth. In October 2003, there were more than 120 vacant beds in the facility and since the 1990's, the detention center has been able to reduce its population by well over 400 youth under the Juvenile Detention Alternatives Initiative. Cook County has done a terrific job and leads the nation in developing and utilizing alternatives to detention. Cook should be congratulated and be very proud of its work on alternative programming rather than building more detention space. However, more can be done in Cook to reduce the population of nonviolent offenders. For example, Peoria County, through their JDAI program, has successfully reduced their population and detains virtually only those offenders who commit crimes against persons. Thus, with many options still available and past history of being so successful at reducing its population, it is reasonable to believe that the Cook detention center is capable of accommodating the 17 year olds who would be housed in the detention center or committed to alternative programs if this bill becomes law without compromising public safety.

CASELOAD ISSUES

Cook County assumes that the increase in caseload from the 17 year olds going to juvenile court would require either additional courtrooms or a new facility to accommodate the cases. In addition, Cook County states that the increase in caseload would cause increased workload and problems for staffing among all of its offices. According to Cook's own statistics, in a recent year, the States Attorney's Office filed 2,679 cases from arrests made by Chicago Police Department. Assuming that there would be an additional 200 to 700 arrests of 17 year olds from other police districts in the County that the States' Attorneys' Office would file charges on, the maximum increase in caseload would be approximately 3,500 17 year olds added to the Cook County Calendars. While this may require some changes in the way the current Calendar system or specific offices function, there is no reason to believe that this would require additional courtrooms, an additional facility, or cause severe staffing problems in the County Offices.

Since the 1990's, the petitions for delinquency have decreased dramatically and Cook County should be congratulated for its incredible effort at reducing its delinquency filings and developing alternative programming in the community. In 1994, Cook County reached an all-time high with 21,078 delinquency petitions filed. By 2001, the filings were down over half to 9,878. But the space and the staff that handled over 21,000 petitions in the early '90's still exists even though the petitions are now down under 10,000 – so they can easily accommodate the increase from the maximum increase of 3,500 petitions for the 17 year olds. Juvenile crime has been decreasing all over the nation and our system has changed to a Balanced and Restorative Justice approach with more emphasis on community programming than in the past. The addition

of the 17 year olds, would not bring the court anywhere close to its all – time high of caseload and in fact, even with the increase in caseload, only 2000 and 2001 would have lower caseloads. All of the 1980's and 1990's saw greater numbers of petitions than 2001 petitions plus the additional 17 year old youth.

CONCLUSIONS

Cook County is already spending a significant amount on 17 year old youth while being housed in the jail and charged in the adult court without the benefit of the rehabilitative programs available in the juvenile court. The Cook County Jail, if it houses 600 17 year old youth, is spending an incredible amount to house these youth during a time that it is overcrowded and searching for ways to reduce its population. Cook County is spending the money on these youth, yet it is not seeing the benefit in reduced recidivism that comes from targeted programming with the balanced and restorative justice programs. While this change to include 17 year olds in juvenile court may cost some in additional programming, the cost would be well worth it if kids and society benefited from this change with fewer repeat offenders and with 17 year olds able to continue with education and get employment without the stigma of an adult conviction. Since there is no opposition to the principle of changing the age, the only concern is how we want to spend our money. JJI and other advocates believe that it is far more beneficial, even discounting the long-term cost-savings due to decreased recidivism, to treat the 17 year olds as juveniles and give them the benefit of the Balanced and Restorative Justice programs available in the juvenile court.