

Illinois

Illinois, the second Models for Change initiative state, was chosen because of its strong juvenile justice leadership, its potential for collaboration, its community and civic engagement, its ongoing reform efforts, and its receptivity to and readiness for change at many points throughout the juvenile justice system.

Reform efforts in Illinois supported by Models for Change are focusing on bringing about change in three areas that are widely acknowledged to be ripe for improvement: juvenile court jurisdiction; community-based alternatives to secure confinement; and disproportionate minority contact with the juvenile justice system. Illinois organizations working in these areas are being assisted by a number of national organizations that comprise the Models for Change “National Resource Bank” (see insert).

Juvenile Court Jurisdiction

Two of the most basic requirements of a model juvenile justice system include treating young people as individuals and recognizing the fundamental developmental differences between young people and adults. These core values led, more than a century ago, to the creation of a parallel system of justice for juveniles charged with crimes—one committed to individualized justice and decision making.

Illinois is justifiably proud of being the home of the world’s first juvenile court. Yet the boundaries of the court’s authority here, as well as its distinctive features within those boundaries, have become dangerously blurred and unsettled in recent years. Juvenile courts increasingly are being asked to step in where schools, communities, and families once exercised responsibility, and to supervise younger and younger children as though they were simply smaller teens. At the same time, many of the older, more serious offenders whom juvenile courts have traditionally served are being “promoted” to adulthood, without regard to their individual needs or circumstances. These shifts largely have been imposed from outside the system—taking no account of the juvenile justice system’s actual resources or capacities, or the

relationship between its size and structure and its ability to achieve its goals.

Goals | Strategies

The jurisdictional reform goal of Models for Change in Illinois is to ensure the individualized and developmentally appropriate handling of young people accused of crime. If the effort is successful, the delinquency jurisdiction of the juvenile court will be redrawn legislatively so that it covers children ages 10 to 17 who are accused of crimes. The number of youth under 18 who are tried in criminal court will be reduced; and few, if any, will be tried as an adult without judicial consideration of his or her amenability to treatment within the juvenile system. Knowledge and understanding of adolescent developmental issues will be improved, as will the overall quality of representation for juveniles in Illinois. Efforts in this area will include:

- Conducting research and engaging in public advocacy in support of legislation to change the upper age of juvenile court jurisdiction to 17 and to establish a legislative presumption against delinquency jurisdiction for children under age 13
- Advocating for the elimination of automatic transfer laws that deny accused juveniles the benefit of individualized consideration, and/or their replacement with more flexible transfer and sentencing mechanisms
- Conducting a statewide assessment of the quality of representation for juveniles in delinquency cases, and providing training in child and adolescent development issues to all system stakeholders

- Creating a new Department of Juvenile Justice separate from the adult Department of Corrections and designed to advance the key principles of a model juvenile justice system.

Community-based Alternatives to Secure Confinement

In a model system, all but a limited number of juvenile offenders would be supervised, sanctioned, and treated in a community setting. Responses to delinquency would be local and informal whenever possible. Youth always would be served in the least restrictive setting that is consistent with public safety. System representatives would establish objective criteria to assess the risks and needs of youth, and would work collaboratively to avoid bringing youth into the justice system unnecessarily. For those youth who do require intervention, there would be a comprehensive spectrum of alternatives matched to their individual needs. Decision makers would be required to rule out other options before choosing secure confinement as a last resort.

Illinois has come a long way in reducing its overall reliance on secure confinement of juveniles. In December 2003, the state legislature approved a pilot of Redeploy Illinois, a program that uses fiscal incentives to encourage counties to provide services to nonviolent juvenile offenders at the local level rather than in the state correctional system.

In Cook County, objective screening at intake and creative use of alternatives to detention have been shown to reduce detention admissions and improve conditions of confinement without increasing the danger to the community. Cook County has also substantially reduced its delinquency commitments. Still, in most Illinois counties, juveniles run a far greater risk of being securely detained before trial and securely committed after trial today than was the case a decade ago. This is, in part, due to a statewide system of fiscal incentives that has encouraged local communities to rely on detention and incarceration for juveniles—thereby inhibiting the growth of the types of community-based programs that could serve as alternatives to confinement.

Goals | Strategies

The goal of reform in this area is to ensure that Illinois juveniles are not held in secure detention centers and correctional facilities unnecessarily. If efforts are successful, the number of juveniles in secure facilities will be reduced statewide. Community-based services that provide safe and effective alternatives to confinement will be encouraged, and their strengths identified. The pool of such services will be expanded, and juvenile justice decision makers will be educated about their availability and effectiveness. To those ends, Models for Change strategies will include:

- Educating policymakers and the public regarding the perverse incentives of current juvenile justice funding arrangements and their real-world effects in discouraging local community ownership of delinquency problems
- Promoting Redeploy Illinois as a viable alternative funding scheme, supporting its pilot implementation across the state, and finding ways to improve it that will lead to its broader acceptance
- Educating juvenile defenders, judges, probation officers, prosecutors, and other system actors about the availability and use of alternatives to confinement for juvenile offenders
- Mapping the array of existing programs and services in selected communities that can provide alternatives to incarceration for local youth, evaluating their current effectiveness and potential uses, and calling attention to critical gaps in services
- Linking juvenile justice decision makers with service providers and community groups to devise ways to develop or expand community-based alternative services, including child welfare and mental health services, to meet the needs of youth in the system.
- Funding pilot experiments at the county and judicial circuit level that are designed to expand the local array of community-based alternatives and promote positive outcomes for youth.

Disproportionate Minority Contact

In a model juvenile justice system, all alleged offenders would receive fair treatment at each point of contact with the system regardless of their race or ethnicity. All services, hearings, and decisions would be handled in an unbiased manner. The system would monitor compliance with this ideal on a routine basis, and when over-representation of any cohort of youth is found, resources would be available to examine whether these youths are treated differently or have unequal access to services. Empowered with more complete information, decision makers would be better able to acknowledge problems and address disparities and practices. The system would provide or advocate for equal access to community-based services by minority youth.

The overrepresentation of minority youth in the Illinois juvenile justice system has been well documented, particularly at the detention, transfer, and commitment stages. For example, though black youth make up just 19 percent of the state's population between the ages of 10 and 16, they account for more than half of those who pass through detention centers. Most juvenile delinquency commitments involve minority youth also, as do well over 90 percent of transfer cases.

Disproportionate minority contact (DMC) with the juvenile justice system is, perhaps, the product of bias in decision making, but it also may be due to unequal access to resources, including viable alternative services in the youths' communities. The complete lack of racially and ethnically detailed juvenile arrest, referral, and case-processing information, among other data, hampers efforts to describe the problem at the most basic level.

Goals | Strategies

The ultimate goal of all work addressing DMC is to reduce and ultimately eliminate racial disparities in juvenile justice case handling. In the shorter term, the initiative seeks to move Illinois toward a model of DMC data collection, and to make use of improved data to isolate and devise responses to DMC problems in the state. The strategy focuses initially on data collection enhancements and then on the enhanced data's utilization to raise public awareness and motivate change. The approach will entail:

- Analyzing existing data collection mechanisms, calling attention to deficiencies in available data, and working to improve the way data are collected
- Raising public awareness about DMC
- Identifying localities and specific decision points where race or ethnicity may be a factor in decision making, and providing targeted training and assistance where the data reveal significant disparities
- Developing and implementing realistic models and supporting materials for changing practice when bias is identified
- Improving access to community-based services for minority youth
- Ensuring that DMC-reduction efforts are grounded in research and the experience of others

Documentation | Dissemination

A range of vehicles and strategies will be used to develop and disseminate to a national audience information about the work of the Models for Change initiative in Illinois. A series of brief reports on the planning and implementation of change efforts will illuminate lessons learned and promising practices developed in targeted areas of improvement. Assessments will be conducted to create a firm evidence base upon which practitioners can rely when seeking to replicate initiative changes in their jurisdictions, including assessments of the intermediate outcomes of work in targeted areas, and assessments of the extent to which targeted reform efforts leverage change throughout the system.

A “roadmap” for juvenile justice systems change will give other jurisdictions the materials they need to plan, implement, measure, and assess reform.

Progress to Date

Research and public education undertaken by Models for Change grantees helped create conditions that led to the passage of legislation to abolish the automatic transfer of 15- and 16-year-olds accused of drug offenses in Illinois—a practice that over the past two decades has resulted in thousands of youth, most of them low-level offenders and virtually all of them minorities, moving into the adult criminal justice system. The new law, which was signed by Governor Rod Blagojevich in August 2005 and became effective immediately, gives judges more discretion over youth transferred to the adult court for drug crimes. It means a drug case involving a juvenile may now be transferred only if a juvenile court judge finds by clear and convincing evidence that the youth can no longer benefit from treatment in the juvenile system. Similar efforts led to the successful separation of the state’s juvenile corrections division from the adult division and creation of a new Department of Juvenile Justice, effective July 1, 2006. Other juvenile justice reforms under the active consideration of Illinois legislators include the expansion of the juvenile court’s jurisdiction to cover 17-year-olds and changes designed to bring more resources to the state’s juvenile justice system.

Models for Change grantees have also undertaken talks with Illinois data monitoring agencies aimed at improving the quality of Illinois DMC data. And a Models for Change assessment of the quality of attorney representation in delinquency proceedings across the state, the results of which will help the initiative to target training where it is needed the most, was recently begun.

State Leadership

One important step of the MacArthur Foundation’s Models for Change (MfC) plan of action was to select a lead entity in each state as the Foundation’s local “partner” to develop and implement a state reform agenda and work plan. Civitas ChildLaw Center (the Center) of Loyola University Chicago School of Law is the lead entity in Illinois. The Center’s mission is to promote justice for children through interdisciplinary teaching, scholarship and service.

For more information about MfC Illinois, you may contact the Center’s director, Professor Diane Geraghty at 312 915 7155 or dgeragh@luc.edu.