



ILLINOIS

JUVENILE JUSTICE COMMISSION

A Call to Action: Racial Equity in Juvenile Justice

Americans face a pivotal moment in our country's history. We can choose to continue "business as usual" and perpetuate the profound racial injustices that have plagued our nation since its founding, or we can chart a new course toward racial justice.

Recent weeks have demonstrated that, if we are to make meaningful progress toward racial justice in America, we must examine and transform our justice systems. This includes fundamental reform of our youth justice systems. In Illinois, juvenile justice policy and practice has changed significantly over the decade, thanks to the hard work of community members, policy advocates, justice system practitioners and policy makers. But profound racial disparities and inequities in our youth justice system persist *at every stage of the justice system*. We must acknowledge that these inequities cause lifelong harm to children, youth, families and communities and we must make changes.

As our nation and our communities work to address the deep roots of these inequities within and outside our justice systems, **there are steps Illinois can take now to reduce the harms of juvenile justice system involvement**, which are borne disproportionately by youth of color. These include:

- **Eliminate detention of children 10-12 years old:** Illinois law allows children as young as 10 years old to be securely detained, despite the large body of research which documents the immediate and long term harms of detention.¹ The numbers of children 10-12 years old securely detained is falling in Illinois, with some communities avoiding detention of children altogether. Still, in 2018, there were 111 secure detention admissions for children 10-12 years old. Shockingly, *71% of detained children 10-12 years old are children of color.*² Illinois should immediately raise the minimum age of secure detention to at least 13 years old and instead utilize community-based resources to meet the needs of children and families.
- **Require use of alternatives to arrest and detention for children and youth in crisis:** Current juvenile justice data suggests that youth continue to be arrested and referred to the juvenile justice system for needs that could be better met in their communities. For example, in Illinois, children and youth of any age can be arrested and charged with "domestic battery" arising out of conflicts within their families. In 2018, there were 587 secure detention admissions for these domestic battery charges. *While African American or Black youth comprise approximately 16% of the Illinois youth population, they accounted for over 37% of the youth detained for these family conflict-driven charges.* While an arrest for domestic battery places a young person on a trajectory toward detention and future justice system involvement, it does nothing to address the underlying needs of the youth and family. Illinois has a robust network of community-based human services providers that must be utilized to support these and other youth and families in

www.ijjc.illinois.gov

Chicago Location

401 South Clinton St., 4th Floor
Chicago, IL 60607
Phone: 312-793-3401
Fax: 312-793-4666

Springfield Location

815-823 East Monroe
Springfield, IL 62701
Phone: 217-557-2109
Fax: 217-524-5586



ILLINOIS

Crisis as an alternative to arrest and justice system referral.³

JUVENILE JUSTICE COMMISSION

- **Restrict secure detention to situations in which community safety is at risk:** Illinois detention data reveals that youth are still being detained for low-level or non-violent behaviors which could be more effectively addressed in community-based settings, at a lower cost. Illinois has significantly reduced the use of detention over the last decade and a half through state and local leadership, partnerships with community-based youth serving organization and the efforts of community stakeholders. But youth of color have not benefitted equally from these decreases. In 2018, there were 9,014 admissions to secure youth detention centers in Illinois; 5346 of these admissions were Black or African American youth. Put another way, *while Black or African American youth comprise less than 16% of the Illinois youth population, they comprise 59% of detention admissions.* Nebraska recently changed state law to eliminate detention of young people except when necessary to protect the physical safety of community members. Illinois should do the same.⁴
- **Limit the role of policing in schools:** School districts across Illinois have entered agreements with local law enforcement agencies to provide policing or “school resource officers” in schools. However, there is little research available on the benefits of school policing. In fact, available data suggests that the presence of police in schools is associated with higher rates of suspensions, expulsions, and arrests for low-level offenses such as disorderly conduct.⁵ *Students of color disproportionately bear the harms of over-policing schools according to national and local data.*⁶ To compound matters, these school policing models consume scarce resources that could be better spent on students and the school personnel that support them,⁷ and instead push young people into the juvenile justice system. For example, Chicago Public Schools has a \$33 million contract with the Chicago Police Department to provide “security services” to the schools. This funding can be diverted to pay for more social workers, counselors, nurses, and other helping professionals who are better positioned to reach our youth. Illinois should rethink the role of police in schools and immediately limit school-based arrests to conduct which endangers the safety of students, school personnel, or the community.
- **Eliminate the trial, sentencing, and punishment of youth as adults:** A wealth of research has incontrovertibly demonstrated that adolescent decision making and behavior is different than that of mature adults.⁸ The United States Supreme Court has recognized these fundamental youth/adult difference in a series of cases requiring courts to take the diminished “culpability” of youth and their capacity for positive change into account.⁹ However, despite recent legislative actions scaling back the “transfer” of youth to adult court, Illinois law still permits the trial and sentencing of youth as adults. And these transfer laws still disproportionately affect youth of color. *In 2017, at least 53% of youth subject to a motion to transfer to adult court or to an “automatic” transfer were youth of color.*¹⁰ Illinois must fully align its laws with developmental science and the findings of the United Supreme Court and prohibit the trial, sentencing, and punishment of youth as adults.

www.ijjc.illinois.gov

Chicago Location

401 South Clinton St., 4th Floor
Chicago, IL 60607
Phone: 312-793-3401
Fax: 312-793-4666

Springfield Location

815-823 East Monroe
Springfield, IL 62701
Phone: 217-557-2109
Fax: 217-524-5586



ILLINOIS

JUVENILE JUSTICE COMMISSION

- **Expand automatic expungement of juvenile records:** The purpose of the juvenile court is to appropriately hold youth accountable for misconduct and place young people on a path toward success in their lives and communities. Juvenile arrest and court records often place unnecessary barriers between young people and jobs, education, and healthy futures, “threaten[ing] public safety, produc[ing] substantial unnecessary costs, and imped[ing] young people’s ability to transition to productive adulthood.”¹¹ *Because Black youth are arrested and referred to courts at much higher rates than their peers – despite similar patterns of delinquent conduct – they disproportionately bear the burdens these records create.*¹² Illinois has taken important steps to expunge juvenile records when youth have successfully exited juvenile justice systems, but there is much more work to be done to ensure that records of contact with a justice system – which is intended to improve youth outcomes – don’t instead destroy the futures of young people.

The Illinois Juvenile Justice Commission is committed to supporting these and other needed changes to ensure that Illinois’ justice system is fair and just for all young people. We urge policy makers to partner with community allies to take these immediate steps to reduce the harms of justice system involvement for youth of color, while we work together to address the roots of racial inequity and injustice in our society.

Sources:

¹ <https://njdc.info/wp-content/uploads/2016/10/The-Harms-of-Juvenile-Detention.pdf>

² Id.

³ Source: Juvenile Management Information Systems (JMIS). For statewide detention data, see

<http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/IJJC%20CY%202018%20Annual%20Illinois%20Juvenile%20Detention%20Data%20Report%20Final.pdf>

⁴ See https://supremecourt.nebraska.gov/sites/default/files/newsletter/Legislative_Newsletter_2.4.19.pdf

⁵ https://www.everycrsreport.com/files/20180705_R45251_db5492370a04c7e3b39f27ce52416d229a0ac17d.pdf

⁶ <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>

⁷ Chicago Public Schools’ contract with the Chicago Police Department obligates the district to pay \$33 million for the 2019-2020 school year for “security services.” See https://cps.edu/About_CPS/Departments/Documents/SafetySecurity-Agreement_19-0828-EX4.pdf

⁸ See <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/IJJC%20-%20Raising%20the%20Age%20Report.pdf>

⁹ <http://www.modelsforchange.net/publications/778>

¹⁰ http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/IJJC%20Trial%20and%20Sentencing%20of%20Youth%20as%20Adults%20in%20the%20Illinois%20Justice%20System%20Transfer%20Data%20Report%20Calendar%20Year%202017_0.pdf

¹¹ <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/Burdened%20for%20Life.pdf>

¹² <https://www.americanbar.org/groups/litigation/committees/childrens-rights/practice/2016/study-racial-disparities-youth-commitments-and-arrests-released/>

www.ijjc.illinois.gov

Chicago Location

401 South Clinton St., 4th Floor
Chicago, IL 60607
Phone: 312-793-3401
Fax: 312-793-4666

Springfield Location

815-823 East Monroe
Springfield, IL 62701
Phone: 217-557-2109
Fax: 217-524-5586