

LWVIL Issues Briefing 2016: Juvenile Justice

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2015 saw a number of positive bills become law. It is hoped that 2016 will continue to build on the good work done thus far. There are signs that legislators are understanding that juveniles are different, and that there is much to be gained by keeping them, if at all possible, from detention which leads, too often, to a life in the criminal justice system.

Legislative activity affecting juveniles:

Mandatory life without parole was ended for minors in adult court (PA99-0069). Juveniles under 13 cannot be detained in a detention facility unless a local youth service provider is unable to accept the child (PA99-0254). The automatic transfer of children under 15 to adult court has ended, and juvenile court judges now make the transfer decision for children ages 16 and 17--but, automatic transfer for some children 16 and 17 still is in place (PA99-0258). The incarceration of children for misdemeanors and for status offences was ended, and aftercare (parole) requires set terms that cannot be longer than adult parole terms (PA99-0268).

A TFA was sent regarding PA99-0258. President Mary Kubasak wrote to the Governor urging him to sign the juvenile justice bills which became PA99-0254, PA99-0258, and PA99-0268.

Other developments:

The Illinois Supreme Court ruled in March that approximately 80 inmates serving life without parole for crimes committed as children are eligible for new sentencing hearings. Adolfo Davis, the first inmate to be resentenced, was just 14 when convicted as an accomplice to a gang-related double murder in 1990. Nevertheless, he was resentenced to natural life in prison without chance of parole.

The Illinois Prisoner Review Board freed Joseph Bigsby, who was serving a sentence of 100 to 200 years in prison for a 1973 murder of a police officer. He was 16 at the time. Factors influencing his release were his growth from an immature teenager to a grown man, taking responsibility for his crime, his participation in skill and academic training, and his mentoring of younger inmates. The decision sparked outrage from police officers and police organizations.

Looking ahead to 2016

The juvenile prison system has excess capacity (a population of less than 700 and bed capacity of 1,242), and the ACLU, the John Howard Association and the Juvenile Justice Initiative have asked the Governor to close the youth center at Kewanee.

Advocates seek legislation that will: raise the age of juvenile court to 21 to include young adults; automatically expunge certain juvenile offenses; **expand funding for community based preventative and intervention services**. The budget impasse has caused 59% of the counties participating in Redeploy Illinois to stop serving youth, and yet the success in keeping juveniles out of the prison system has been due in significant part to the state's shift of resources to community based alternatives.