



**STATEMENT IN SUPPORT OF THE COOK COUNTY BOARD OF COMMISSIONER'S  
RESOLUTION URGING THE ILLINOIS GENERAL ASSEMBLY TO PASS HB 172  
TO RESTORE JUDICIAL DISCRETION IN THE TRANSFER OF JUVENILES TO ADULT COURT**

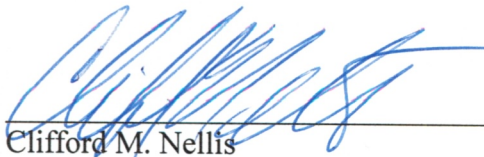
February 5, 2015

Judicial discretion in the transfer of juvenile to adult court is consistent with the principles of restorative justice codified by the Illinois Juvenile Court Act and the history of the juvenile justice system in Illinois. America's first juvenile court was created in Cook County 115 years ago, based on the understanding that juveniles are different and should be treated differently than adults. Illinois courts have long held that youth should be treated differently because youth are not able to change their home environments, are more susceptible to peer pressure, and are not deterred from committing crime by punishment because they act more impulsively than adults. In addition, a string of recent United States Supreme Court decisions hold that youth are "categorically different" than adults, relying in part on modern brain science research that has proven that brain development is not complete until the mid-twenties.

Restoring judicial discretion in the transfer of juveniles to adult court is fair. The proposed resolution does not call for the elimination of the transfer of juveniles to adult court. Rather, it merely calls for removing the "automatic" element of the current juvenile to adult transfer system. Under the proposed bill, judges will consider age, criminal history, history of abuse, educational, mental health and physical history, the juvenile's role in the offense, seriousness of the offense, advantages of the juvenile justice system, and public safety in determining whether justice requires transfer of a juvenile to adult court.

Many studies have found that transfer laws are ineffective and lead to detrimental outcomes for both youth and society at large. One recent study found that transfer laws have little to no deterrent effect on minors. Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, Office of Juvenile and Delinquency Prevention (Juvenile Justice Bulletin), June 2010, at 3. And another study found that juveniles tried in the adult system are 34% more likely to recidivate than youth in the juvenile system. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to Adult Justice System.*, Centers for Disease Control and Prevention, November 30, 2007.

For these reasons, the Lawndale Christian Legal Center firmly supports the Cook County Board of Commissioner's Resolution Urging the Illinois General Assembly to Pass HB 172 to Restore Judicial Discretion in the Transfer of Juveniles to Adult Court.



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