

PROPOSED SUBSTITUTE TO FILE ID 15-1216

PROPOSED RESOLUTION

Sponsored by: TONI PRECKWINKLE, President, and STANLEY MOORE, JESÚS G. GARCÍA, LARRY SUFFREDIN, DEBORAH SIMS, BRIDGET GAINER, ROBERT STEELE, LUIS ARROYO JR, RICHARD R. BOYKIN, GREGG GOSLIN, JOAN PATRICIA MURPHY and JERRY BUTLER, County Commissioners

URGING THE ILLINOIS GENERAL ASSEMBLY TO RESTORE JUDICIAL DISCRETION IN THE TRANSFER OF JUVENILES TO ADULT COURT

WHEREAS, the nation's first juvenile court was created in Cook County 115 years ago based on the understanding that children should be treated differently than adults; and

WHEREAS, scientific research has proven that the adolescent brain is not fully developed in the areas that regulate rational decision making and impulse control; and

WHEREAS, 705 ILCS 405/5-130 of the Juvenile Court Act, mandates that youth predominantly 15 and older, but in some cases as young as 13, automatically be tried as adults, in adult court, facing adult sentences, based solely on the original charge ("Automatic Transfer"); and

WHEREAS, the Illinois General Assembly enacted Automatic Transfer in 1982 in response to no longer relevant concerns about the potential increase of juvenile crime. Since that time, the policy has resulted in thousands of youths being tried as adults without a hearing before a juvenile court judge; and

WHEREAS, according to analysis by the John Jay College of Criminal Justice there is no correlation between the transferring of juveniles to adult court and the drop in youth violence across the country; and

WHEREAS, the Office of Juvenile Justice and Delinquency Prevention has stated that the "bulk of the empirical evidence suggests that [juvenile] transfer laws have little or no general deterrent effect;" and

WHEREAS, Illinois is one of only 14 states that do not require a hearing in front of a juvenile court judge before a child is transferred to adult court; and

WHEREAS, according to a study by the Illinois Juvenile Justice Initiative (JJI), since the passage of the Automatic Transfer statute in 1982, transfers to adult court have increased from 57 annually to 86 annually as of 2012; and

WHEREAS, the number of youth charged as Automatic Transfers increased dramatically after the passage of "Raise the Age" legislation from 96 in 2013 to 178 in 2014; and

WHEREAS, Automatic Transfer of youth to adult court has a direct impact on the Cook County Juvenile Temporary Detention Center (JTDC) in which the average daily population of transferred youth has nearly doubled over the last year from 72 to 138; and

WHEREAS, according to the JJI study, the implementation of Automatic Transfer has resulted in more children being transferred to adult court for less serious crimes as compared to when judges made the transfer decisions; and

WHEREAS, Automatic Transfer has disproportionately impacted children of color. In a three year sample of automatic transfers in Cook County, JJI found that 83% of youths transferred were African American and only one youth was white; and

WHEREAS, approximately 54% of Automatic Transfer youth in the three year study by JJI ultimately pled guilty to lesser charges that if originally charged would have been prosecuted in juvenile court; and

WHEREAS, adult court cases are processed at a much slower pace than juvenile cases with an average time to disposition of 369 days for Automatic Transfer youth whose cases were disposed of in the last year; and

WHEREAS, according to a 2007 survey by the US Centers for Disease Control and Prevention, children prosecuted as adults are 34% more likely to reoffend than children with similar criminal histories who are prosecuted in juvenile court for similar offenses; and

WHEREAS, “The Consequences of Transfer” a study published by the University of Chicago Press, found that children prosecuted as adults are more likely to commit more serious new crimes at a faster rate than those tried in juvenile court; and

WHEREAS, the United Nation Human Rights Committee urged the U.S. to end prosecution of juveniles in adult court; and

WHEREAS, the Supreme Court of Illinois in *People v. Patterson*, urged the legislature to reform the automatic transfer statute in Illinois stating “While modern research has recognized the effect that the unique qualities and characteristics of youth may have on juveniles’ judgment and actions, the automatic transfer provision does not. Indeed, the mandatory nature of that statute denies this reality. Accordingly, we strongly urge the General Assembly to review the automatic transfer provision based on the current scientific and sociological evidence indicating a need for the exercise of judicial discretion in determining the appropriate setting for the proceedings in these juvenile cases”; and

WHEREAS, automatic transfer prevents any consideration by a judge of the particular characteristics of a child, the crime, or the child’s role in the crime in determining the appropriate venue for sentencing; and

WHEREAS, automatically transferring youth accused of certain crimes ignores the scientific research and the underlying philosophy of the juvenile court; and

WHEREAS, Every child in Illinois deserves a fair hearing in front of a juvenile court judge to determine whether their case is more appropriately handled in juvenile or adult court; and

WHEREAS, it is in the best interest of justice to restore judicial discretion in all decisions relating to the transfer of a child to adult court; and

WHEREAS, HB 172, which ends the Automatic Transfer of youth to adult court and restores judicial discretion by requiring a hearing in front of a juvenile court judge to determine whether a child is suitable for the rehabilitative focus of the juvenile court or should be transferred to adult court and sentenced as an adult, has been introduced before the 99th General Assembly;

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners does hereby urge the Illinois General Assembly to pass HB 172 or similar legislation to restore judicial discretion in the transfer of juveniles to adult court.

BE IT FURTHER RESOLVED, that the Cook County Board of Commissioners further urges all stakeholders in the criminal justice system to engage in the legislative process and work with members of the Illinois General Assembly to accomplish this goal.

BE IT FURTHER RESOLVED, that a suitable copy of the Resolution be tendered to the Speaker of the Illinois House of Representatives and the President of the Illinois Senate.