Juvenile justice group calls for passage of three Senate bills
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By Josh Weinhold

SPRINGFIELD — A trio of bills comprise the Juvenile Justice Initiative's (JJI) priority list for the Illinois General Assembly's spring session.

Elizabeth E. Clarke, president of the Evanston-based nonprofit advocacy organization, said she plans to push for passage of three bills it helped develop, all sponsored by state Sen. Annazette Collins, D-Chicago.

Top priorities, she said, include a bill keeping children under age 13 out of temporary detention facilities and a bill preventing state police from receiving juvenile arrest records.

Collins said efforts to adopt similar legislation over the last few sessions came up short, but she and Clarke don't plan on giving up.

"We're going to keep going at it until we get them passed," Collins said. "They're very important."

Senate Bill 3196 would raise the minimum age at which a child could be sent to a temporary juvenile detention facility from 10 to 13 years old.

State law prevents children under age 13 from being sentenced to a juvenile prison, Clarke said, but it does allow them to be held in a detention facility prior to trial.

Most counties already find alternatives for young delinquent children, she said, but this bill would ensure the use of more rehabilitative options.

"These are children who are so young that if they need to be removed from the home for some length of time, you should be involving more of a child welfare system than the criminal system," she said.

Collins said spending even a short period in a juvenile facility can traumatize children under 13.

"Anytime a kid gets sent to the Department of Juvenile Justice," Collins said, "the likelihood of them becoming a taxpaying citizen goes down."

The Cook County state's attorney's office opposed the legislation when it failed a vote on the House floor in 2010, claiming it would remove discretion from judges. That office and the Illinois attorney general's office did not return requests for comment for this story.

Bruce A. Boyer, a clinical professor and director of the Civitas ChildLaw Clinic at the Loyola University Chicago School of Law, said correctional facilities punish kids, but don't help them.
While judges tend to be reluctant to put young children in juvenile facilities, he said, taking the option away entirely would be a positive thing.

"I don't think we should ever hit a point where we stop being creative in coming up with solutions that are focused on trying to rehabilitate the child," Boyer said.

Another measure, Senate Bill 3194, would prevent local law enforcement from sending juvenile arrest reports to the Illinois State Police.

Until 1988, Clarke said, such a practice did not occur, but state laws gradually allowed for various types of juvenile crimes to be reported to state police.

Sixty percent of juvenile arrests never head to court, Clarke said, yet the formal arrest reports remain in the state police database. Often, a person doesn't find out that record still exists until they apply for a job or to college, she said.

"By rolling back the clock and going back to an era where we respect juvenile confidentiality," Clarke said, "you really protect kids and their families."

Senate Bill 3195 would prevent statements made by minors in homicide investigations from being used against them in adult court, if they didn't have an attorney present during interrogation.

The bill applies to a very limited number of cases, Clarke said, but JJI still wants state law to ensure juveniles have legal counsel in such a critical situation.

Clarke said her group also plans to draft a bill based on recommendations contained in the Illinois Juvenile Justice Commission's December report on youth re-entering communities after incarceration.

That legislation will aim to improve the juvenile parole system and increase the services available to youth upon their release, Clarke said.