



Juvenile Justice Initiative

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QUESTIONS? Luis Klein, Executive Director, Juvenile Justice Initiative, lkjjustice@gmail.com, 773-318-2963

HB 2347 - An Act to Promote Public Safety & Equity

Basing Juvenile Detention on Evidence of What Works to Keep Communities Safe

HB 2347 (REPS. MAYFIELD - AMMONS, Stava-Murray, Gabel, Guzzardi, Jimenez, Flowers, Nichols)

PASSED HOUSE - CURRENTLY IN SENATE: (SEN. Robert Peters and Rachel Ventura)

THE ISSUE: Based on the significant harm to children from detention, the legislature has debated raising the age from 10 to 13 for more than a decade. This bill is an **agreement with IL Probation and Court Services Assoc.** to gradually raise the age based on additional funding in next year's budget and a plan for system collaboration to ensure alternatives to detention are available - **HB 2347:**

- Requires IL Juvenile Justice Cmsn to **develop a process for implementation** to raise age of detention from 10 to 13.
- Includes **delayed implementation** to July 1, 2024 to raise age to 12, and July 1, 2025 to raise age to 13 to allow time to implement plans to ensure alternative services available statewide.
- Includes **accountability** - reporting mechanisms to identify gaps in services during implementation period.
- Includes **Carve outs for 12 year olds** charged with murder, agg criminal sexual assault, agg battery with a firearm, or agg vehicular hijacking.
- Limits juvenile detention to cases of adolescents age 13 & older who present a serious threat to the physical safety of person(s) in the community or to secure minor's presence in court based on a record of willful failure to appear & provides detention must be a last resort and the least restrictive alternative available.
- **Alternatives include** crisis intervention/behavioral healthcare services, or placement with relatives. Bill clarifies that children under the age of 13 can be held accountable through a Petition for Minor Requiring Authoritative Intervention in juvenile court or through a delinquency petition with community mediation.

ALTERNATIVES TO DETENTION:

According to a report by the Illinois Juvenile Justice Commission calling for action to end the harmful detention of young children, **existing alternatives to detention when a law enforcement interaction with a child results in arrest include:**

- **Child can be "counseled and released"** - Release to parents or caregivers with or without referral to community-based resource. Release to parents or guardians is to be utilized "whenever possible".
- **Child is in conflict with parent(s) or caregivers** - Law Enforcement may refer a child / family for a crisis intervention services through CCBYS - **additional funding in budget for next two years will ensure services are available statewide.**
- **Child is experiencing mental health crisis** Law Enforcement may contact Screening, Assessment and Support Services (SASS) program for children & adolescents experiencing a mental health crisis.
- **Child is in need of immediate mental health or medical treatment** Hospitalization: Law Enforcement may seek hospital admission in cases of physical injury or mental health.

In 2015, the Legislature prohibited detention of children age 10/11/12 unless a local youth service provider had been contacted and had not been able to accept the minor (PA99-254) – the legislation cut the number of young children in detention by more than half within two years but **failed to eliminate the practice.** **Now, there are significant budget increases and system collaboration to ensure services are available statewide.**

A 2020 report from the IL Juvenile Justice Commission examined detention of children (age 10-13) in 2019 and concluded there is an urgent need for Illinois to rethink detention of children.¹

"The racial inequities in detention of 10-12 year old children are profound" & especially pronounced with the youngest populations. **71% of detained children age 10-12 in 2019 were Black/African-American.**

Detention is not used consistently across IL – only a handful of counties (most with their own detention center) account for the majority of admissions of young children.

HARM: While the legislature delays – more young children are harmed by pretrial detention.

Research shows that detention of children can have profound and lifelong negative consequences. Youth who are detained are less likely to complete high

school, less likely to find employment and more likely to suffer mental health problems than comparable youth who are not detained. <https://www.aecf.org>

DETENTION IS HARMFUL and MANY JUVENILE DETENTION CENTERS FAIL TO MEET MINIMUM STANDARDS

Recent inspections of juvenile detention facilities in IL documented the overuse of solitary, challenges at intake with overuse of strip searches, inadequate education & programming, inadequate health and mental health services.² Only four detention centers were found in compliance with basic standards, and one detention center just closed in part due to a class action lawsuit based on inadequate conditions.

¹ <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/Detention%20of%20Children%2010-12%20Years%20Old%20In%20Illinois-%20A%20Call%20to%20Action%20.pdf>

² <https://idji.illinois.gov/facilities/county-detention-centers.html>



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PROPOSERS include:

Illinois Probation and Court Services Association
Illinois Collaboration on Youth
Illinois Parent Teacher Association
League of Women Voters of Illinois
ACLU of Illinois
John Howard Association
Illinois Justice Project
Juvenile Justice Initiative
TASC - Treatment Alternatives for Safe Communities
Ann and Robert H. Lurie Children's Hospital of Chicago
Strengthening Chicago's Youth
Law Office of the Cook County Public Defender
National Assoc. of Social Workers - IL Chapter
Catholic Lawyers Guild, Restorative Justice Committee
Lawndale Christian Legal Center
The James B. Moran Center for Youth Advocacy
Restore Justice Illinois
Cabrini Green Legal Aid
Civitas Child Law Center
Mother's Against Wrongful Convictions
The Baby Fold
Children's Home and Aid
Lawrence Hall
Sentencing Advocacy Group of Evanston
The Allendale Association
The Center for Youth and Family Solution
The GAP Gyrllz and Gyz Human Rights Consortium
Woodlawn Restorative Justice Hub
A Just Harvest
The Chicago Metropolitan Association of the United Church of Christ
Nehemiah Trinity Rising
The Illinois Conference of the United Church of Christ