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The Juvenile Justice Reform Act

By Phillip Stevenson

The first juvenile court in the United States was founded in Illinois 100 years ago.The image of the youthful offender is not of a criminal in training or a "born" criminal, but instead of a misguided and poorly socialized child who is in need of supervision and care for the conditions which resulted in his or her involvement with the juvenile justice system. It is this image of the juvenile offender that drove the juvenile justice system's philosophy of *parens patriae* — that the court has the responsibility to act in place of the parent of the young offender. Consistent with this image of the young offender, the juvenile justice system has historically emphasized strategies of treatment over punishment.

Of late, this rehabilitative model has fallen out of favor with criminal justice professionals and the public alike. In many states, juvenile justice systems are turning to policies aimed at "getting tough" on juvenile offenders. Doing away with the juvenile system altogether in favor of a single court system for all offenders has even been proposed.

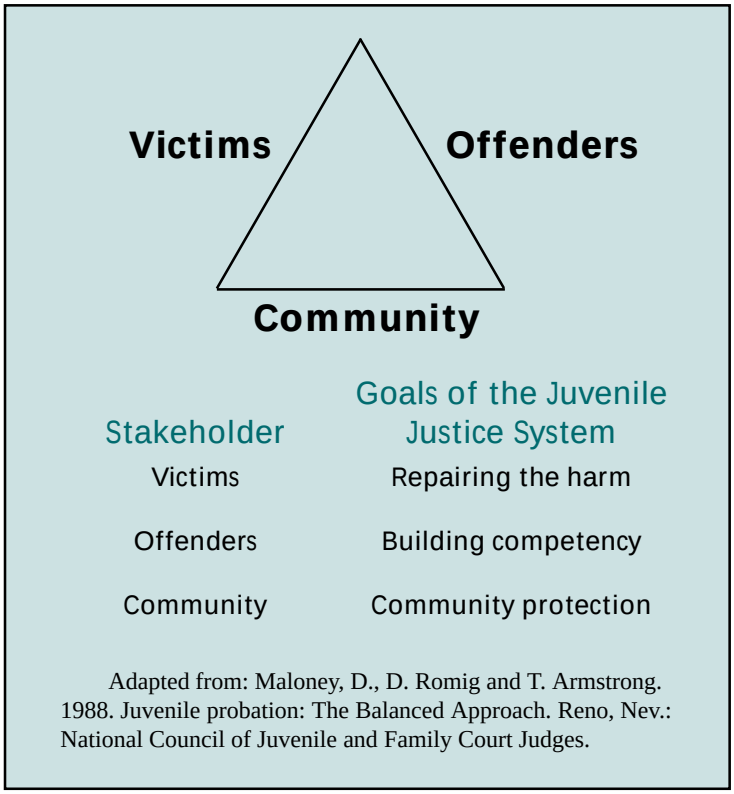
Illinois recently adopted an alternative to choosing between a rehabilitative or punitive juvenile justice system, while maintaining a distinct juvenile justice system. Public Act 90-590, also known as the Juvenile Justice Reform Act of 1998, incorporates the philosophy of balanced and restorative justice (BRJ) as its guiding principle.

The Act attempts to balance three broad concepts in juvenile justice: 1) hold each offender accountable for his or her conduct, 2) have a mechanism in place that allows juvenile justice professionals to intervene early in an offender's "career," and 3) increase the participation of the community in the juvenile justice process, including the offender's victims. These principles incorporate the most important components of both the rehabilitative and punitive models of justice.

Increased accountability

The Juvenile Justice Reform Act attempts to address the concern that

Figure 1
The balanced approach



Adapted from: Maloney, D., D. Romig and T. Armstrong. 1988. Juvenile probation: The Balanced Approach. Reno, Nev.: National Council of Juvenile and Family Court Judges.

Figure 2
Limits on the number and type of station adjustments

	Informal Station Adjustments	Formal Station Adjustments
Misdemeanors	3 within 3 years	3 within 3 years
Felonies	3 within 3 years	2 within 3 years
Combination of felonies and misdemeanors	No more than 5	No more than 4
No more than 9 station adjustments allowed		

juvenile offenders are not always held accountable for their crimes.

Among the changes found is the definition and use of *station adjustments*. In the past a station adjustment was defined as "the informal handling of an alleged juvenile offender by a juvenile police officer." This included everything from the release of the minor without further action to the conditional release of the minor upon completion of public or community service.

Station adjustments now come in two forms, informal and formal. In order for the juvenile officer to give an informal station adjustment to a minor, the officer must have probable cause to believe that the minor has committed the offense. For a formal station adjustment the juvenile officer must have probable cause and an admission of involvement by the minor.

As of Jan. 1, 1999, station adjustments are more narrowly defined, the conditions that a juvenile officer may attach to the release of the minor are more clearly stated, and beginning Jan. 1, 2000, records of station adjustments in all jurisdictions will be centrally maintained.

The Act also lists specific conditions that a juvenile officer may attach to a station adjustment. These conditions vary little between informal and formal station adjustments, but in order for a minor to be released with a formal station adjustment, the minor and his/her parent or legal guardian must agree in writing to the station adjustment. The Act has also placed limits on the number and type of station adjustments a juvenile offender may receive without the prior approval of the state's attorney.

Another component of the new Act is the provision for *Extended Jurisdiction Juvenile* (EJJ) proceedings. Similar to blended sentencing options in some other states, an EJJ proceeding can be requested by the state's attorney for any minor 13-16 years old who is charged with a felony. If the minor is found guilty in an EJJ proceeding, he or she receives a juvenile sentence and an adult sentence. The adult sentence is stayed and is not imposed unless the minor violates the juvenile sentence. If the minor commits a new offense, the court must order the minor to serve the adult sentence. If the minor violates the conditions of the juvenile sentence in a manner other than by the commission of a new offense, imposing the adult sentence is left to the court's discretion.

Early intervention

Station adjustments offer juvenile justice professionals the opportunity not only to hold minor offenders accountable, but also to intervene early in a juvenile's offending career. The creation of a central repository for a minor's offending history that can be accessed by juvenile authorities in all jurisdictions will assist in early intervention. By monitoring the number and type of station adjustments a minor receives, the juvenile justice system will have the ability to become involved well before the minor's offending escalates.

Maintaining and accessing information on a juvenile offender is not restricted to law enforcement agencies under the new Act. School records and DCFS case and clinical records are accessible to "juvenile authorities when necessary for the discharge of their official duties." These information-sharing provisions are designed to provide juvenile authorities with quick access to any and all relevant information regarding the minor. By having knowledge of what a minor does on the streets and in the schoolyard may prevent them from slipping through cracks in the system.

Driving the philosophy of balanced and restorative justice is the argument that the criminal justice system has historically focused on the offender and neglected two important factors, the community and the victim. To prevent this, the Juvenile Justice Reform Act includes provisions aimed at enhancing community and victim participation.

Increased community and victim involvement

The Act allows for a state's attorney or an agency designated by the state's attorney to establish *community mediation panels*. The goal of these panels "is to make the minor aware of

the seriousness of his or her actions and the effect that the crime has on the minor, his or her family, his or her victim and his or her community." Members of these panels reflect the economic, racial, and ethnic makeup of the community. Panels consist of members with diverse backgrounds in employment, education, and life experience.

Minors diverted to these panels, either by station adjustment, probation adjustment, or as a diversion from prosecution by a state's attorney, will be required to face community representatives. Through mediation panels, the community has a voice in the sanctions given the minor offender. Many options are available to the panel including, but not restricted to, mandatory school attendance, up to 100 hours of community service, substance use and abuse screening for both the minor and his or her parent(s), and restitution, in money or in kind, to remedy the harm that the minor's actions had on the victim and the community. Finally, the Act has also increased the rights of victims of juvenile offenders, bringing them in line with the rights that are afforded victims of adult offenders.

Summary

What Illinois has done, making wholesale changes in the way that juvenile offenders are handled in the entire state, is relatively unprecedented. Many jurisdictions across the country have embraced a balanced approach to juvenile justice, including Palm Beach County in Florida, Dakota County in Minnesota, Allegheny County in Pennsylvania, and Deschutes County in Oregon. But implementing this model statewide is a large task. It will take time to create the organizational climate required to allow the balanced approach to work effectively in Illinois. While much of the Juvenile Justice Reform Act took effect Jan. 1, 1999, components related to the creation of a juvenile offender database, which will complement the efforts of juvenile justice professionals and be maintained

Figure 3
Juvenile authorities

The following are considered juvenile authorities under the Juvenile Justice Reform Act:

1. A judge of the circuit court and members of the staff of the court designated by the judge.
2. Parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys.
3. Probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case.
4. Any individual, public or private agency having custody of the child.
5. Any individual, public or private agency providing education, medical or mental health service to the child, when the information is necessary to determine the appropriate service or treatment of the minor.
6. Any potential placement provider when such release is authorized by the court.
7. Law enforcement officers and prosecutors.
8. Adult and juvenile prisoner review board.
9. Authorized military personnel
10. Individuals authorized by the court.
11. The Illinois General Assembly or any committee or commission thereof (not given access to school records).

Figure 4
Rights of crime victims

1. The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
2. The right to notification of court proceedings.
3. The right to communicate with the prosecution.
4. The right to make a statement to the court at sentencing.
5. The right to information about the conviction, sentence, imprisonment and release of the accused.
6. The right to the timely disposition of the case following the arrest of the accused.
7. The right to be reasonably protected from the accused through the criminal justice process.
8. The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
9. The right to have present at all court proceedings, subject to rules of evidence, an advocate or other support person of the victim's choice.
10. The right to restitution.

From: 725 ILCS 120/4

by the Illinois State Police, do not take effect until 2000. As a result, significant changes in Illinois' juvenile crime problem may not be visible in the short term.

That is not to say that some examples of change will not be evident relatively soon. Jurisdictions that are using teen courts, fighting for restitution for crime victims, and promoting programs that build skills in youthful offenders, are already practicing restorative justice and may have already seen positive outcomes from their efforts. Certainly by giving victims a voice, taking advantage of additional resources that a community can bring to the juvenile justice process, and building social competency in juvenile offenders, we can be optimistic as to what the second century of the juvenile court may bring.

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