



# Law Expands Access To Juvenile Justice Information

March 1987

In 1985, the Illinois Criminal Justice Information Authority held public hearings on a range of issues related to juvenile justice information policies in Illinois. Several witnesses at those hearings said existing laws not only were confusing but also hindered law enforcement officers from investigating crimes and making informed decisions about certain young offenders. Many witnesses identified the so-called "felony limitation" in the Juvenile Court Act as particularly restrictive. In its report on the hearings, the Authority recommended that the felony limitation be relaxed. Similar ideas were later proposed by the Illinois Juvenile Officers' Association and other concerned groups and individuals. Recently, state lawmakers eliminated the felony limitation from the Juvenile Court Act. This advisory explains the revised law and how it affects law enforcement officers in Illinois.

Law enforcement officers in Illinois have been given broader access to information about juvenile offenders in the state, under a revision to the Juvenile Court Act signed into law by Governor James R. Thompson in January.

Previously, the Juvenile Court Act restricted the inspection and copying of law enforcement records about juveniles to those cases in which authorities were investigating or prosecuting a crime that would be a *felony* if committed by an adult. This restriction was known as the "felony limitation."

The new law (Public Act 84-1460), which took effect Jan. 12, 1987, amends the Juvenile Court Act by eliminating the felony limitation altogether. Now, local, state, and federal law enforcement officers who are investigating or prosecuting *any type of crime*, including misdemeanors, may inspect and copy law enforcement records pertaining to juveniles who have previously been taken into custody by other departments.

## What the Law Says

Under this revision, the section of the Juvenile Court Act that covers the confidentiality of law enforcement records reads, in part:

- (A) *Inspection and copying of law enforcement records maintained by law enforcement agencies which relate to a minor who has been arrested or taken into custody before his 17th birthday shall be restricted to the following:*
- (I) *Any local, State or federal law enforcement officers of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation or prosecution of a crime. . . .*

(Ill. Rev. Stat., ch. 38, par. 702-8)

Public Act 84-1460 removed the phrase "which would be a felony if committed by an

adult" from the end of subparagraph (A)(1) of this section.

## The Benefits

This change in the Juvenile Court Act brings many potential benefits to law enforcement officers in Illinois. In general, it improves their ability to obtain the information needed to investigate crimes and to make sound decisions regarding certain juveniles who are taken into custody. Specifically, the revised law:

☐ Clears up confusion and inconsistencies related to the felony limitation. While the old law expressly prohibited the *inspection and copying* of law enforcement records about juveniles except during a felony investigation or prosecution, the law was unclear about whether information could be passed *orally* in less serious misdemeanor cases. The revised law removes this confusion by eliminating the distinction between felony and misdemeanor investigations. Furthermore, while law enforcement officers have traditionally been granted access to confidential *court records* on juvenile misdemeanants, under the old law they were denied access to *law enforcement records* pertaining to those same juveniles. The new law eliminates this inconsistency as well.

☐ Helps law enforcement officers make better decisions about juveniles they take into custody. Whether handling a felony or misdemeanor case, officers need broad information about a suspect's offense history. In cases involving a juvenile, this information is especially important in deciding whether to issue a station adjustment or to proceed with formal court action.

*continued*

☐ Helps law enforcement officers avoid the "first-offender syndrome" — treating a repeat juvenile offender as a first-time offender because the officers lack complete information about the juvenile's prior offense history. In misdemeanor cases, officers often issue station adjustments because they assume the juveniles have not been involved in previous offenses. Now, officers can obtain information that will help them identify repeat juvenile offenders and make appropriate decisions regarding those youth.

☐ Helps law enforcement officers identify mobile juvenile offenders who may commit crimes in many different jurisdictions. Because the old law restricted the sharing of information among agencies, it was difficult for law enforcement officers to identify juvenile crime patterns that crossed jurisdictions and to alert neighboring agencies.

☐ Enhances public safety by permitting law enforcement officers to investigate crimes more aggressively. Any crime — regardless of the age of the offender — affects public safety, and it is unreasonable to limit law enforcement officers' access to information based on the type of crime being investigated.

The revised Juvenile Court Act clearly gives law enforcement officers broader access to juvenile justice records maintained by other police agencies in the state. However, to inspect or copy that information, officers still must contact those other agencies on a department-by-department basis. Investigative decisions by individual departments will determine how extensive the sharing of juvenile justice information will be. In addition, the value of this information will depend on the quality of the records that each law enforcement agency keeps. The Authority will continue to monitor these issues.

### For More Information

For more information about the elimination of the felony limitation, contact John Firman at the Authority, 312-793-8550. For information about juvenile justice information policies in general, see the Authority's report *Juvenile Justice Information Policies in Illinois* (1986).

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Chicago, Illinois 60606

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