The Compiler

Illinois Criminal Justice Information Authority

Winter 1999

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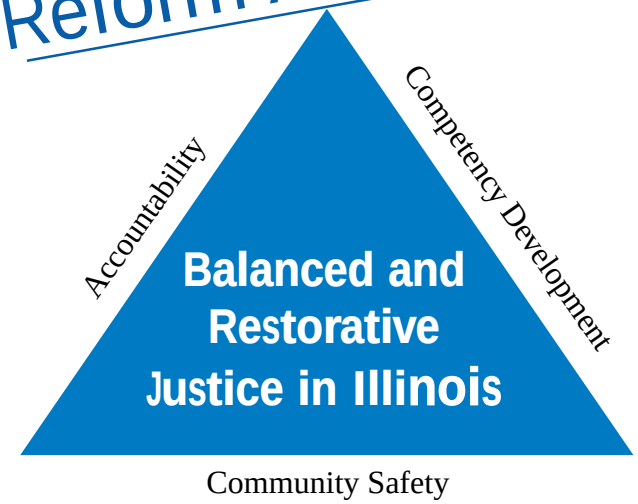
Features

The Juvenile Justice Reform Act of 1998



Q&A:

The Juvenile Justice Reform Act of 1998 took effect Jan. 1. We asked four juvenile justice professionals to offer their perspectives on changes in the law. Here are their responses:

The new provisions of the Juvenile Justice Reform Act of 1998 include a purpose and policy section that adopts a balanced and restorative justice model for the state's juvenile justice system. Describe how this approach will change or influence juvenile justice in Illinois.

Catherine M. Ryan, Cook County State's Attorney's Office:

We believe the General Assembly's adoption of the balanced and restorative justice model ("BARJ Model") in the new purpose clause of the Juvenile Justice Reform Provisions of 1998 will have a very positive and powerful impact on the juvenile justice system in Illinois. Formulating and implementing a comprehensive, long-range public policy is critical to the success of our juvenile justice system. It is essential to have such a policy so that there are effective guidelines for allocation of resources and the formulation of specific programs. Without a thoughtful and effective public policy, our citizens will not have confidence in our juvenile court system. Prior to

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The Compiler

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In Brief

New Authority members appointed

With the start of 1999, the Authority welcomed two new members to its board. On Jan. 12, Gov. George Ryan appointed **Donald N. Snyder Jr.** as director of the Illinois Department of Corrections, replacing Odie Washington. Also, **Sam W. Nolen** replaced Gene Marlin as director of the Illinois State Police.

Both directors serve on the Authority by virtue of their positions.

Snyder was deputy director of administrative services for IDOC at the time of his appointment. He started with IDOC in 1987 inspecting county and municipal jails and juvenile detention facilities as a corrections detention specialist. Snyder was elected Pike County sheriff in 1978, at the time becoming the youngest elected county sheriff in Illinois history, at the age of 23.

Nolen is a 38-year veteran of the Illinois State Police. Throughout his tenure, Nolen held various posts, including first deputy director, deputy director in the Division of Forensic Services and Identification, and deputy director in the Division of Training. Nolen also served as acting director of the state police from January to March 1991. He began his state police career as a trooper.

State gains recognition for youth safety efforts

Illinois was recently recognized by the Council of State Governments for efforts in encouraging youths to wear seat belts.

The Council credited the Illinois State Police's "Operation Cool" program with dramatically reducing teen deaths and injuries in car crashes. Initially implemented in east central Illinois District 10, the program offers incentives to teens that wear seat belts.

The Council named the state to its Elite 8. Compiled annually as part of its Innovations Awards program, the Elite 8 are noted for creative and effective solutions to crime and safety problems, as well as strategies to make government work better.

Bradford wins statewide training award

Jefferson County Sheriff Roy Bradford received the 1997 Governor's Award of Excellence in Law Enforcement Training.

Bradford was selected in June from a group of 78 law enforcement candidates for his individual accomplishments in training others. With a law enforcement career that spans nearly 25 years, Bradford took over the role of Jefferson County sheriff in 1993. Bradford has taught criminal justice courses at Frontier Community College throughout his career. He also is a certified arson investigator.

Local Law Enforcement Block Grants to be awarded

The Federal and State Grants Unit is reviewing 360 proposals from organizations seeking Local Law Enforcement Block Grants. FSGU is administering $1 million through the LLEBG

program and expects to recommend to the Authority the approval of 60 to 75 grants for amounts between $5,000 and $20,000 each.

The LLEBG program is designed to support units of local government in their efforts to reduce crime and improve public safety. Grant awards are expected to be announced at the Authority's quarterly meeting March 12.

Anti-Drug Abuse Act proposals being reviewed

Proposals for federal grants under the Anti-Drug Abuse Act also are being reviewed. The Authority will allocate $670,775 to states and local units of government to implement strategies to control drug abuse and violent crime.

Collaborative programs involving two or more units of local government will be given preference in the allocation of funds. Grant requirements stipulate that 25 percent of each program's cost must be met through a cash contribution by the project agency from non-federal sources.

Grant awards are expected to be announced at the Authority's March 12 meeting.

Maureen DeMatoff, center, received a certificate acknowledging her service to the Authority from Chairman Peter B. Bensinger and Acting Director Candice M. Kane.

DeMatoff retires after 25 years with state

In December, the Authority bid farewell to **Maureen DeMatoff**, who retired as chief fiscal officer after 15 years with the Authority. DeMatoff had worked at the Authority since it's inception in 1983. Her retirement marked 25 years of service to the state. DeMatoff's future plans include coordinating international voyages for traveling art groups and personal travel.

Also in December, **Terry Gough** resigned from his position as associate director of the Information Systems Unit. Gough joined the Authority in 1986 and became head of ISU in November 1997. He has accepted a position as bureau chief with the ISP's Bureau of Identification.

Authority celebrates 15 years

The end of 1998 concluded the Authority's 15th year of service to the criminal justice community. Since its inception in 1983, the Authority has taken great strides in its effort to improve the administration of criminal justice in Illinois.

For the last 15 years Authority staff have studied crime trends and issues affecting the citizens of Illinois, contributed to significant technological advancements in law enforcement, and administered millions in grant funding. The Authority's annual budget has increased from $1.4 million to more than $100 million, while information system users fees have increased from $364,000 to nearly $2.5 million since 1983. Numerous publications have been printed and distributed, including *The Compiler*, *On Good Authority* and millions of McGruff the Crime Dog brochures.

Revamped Authority Web site

The Authority, in conjunction with the University of Illinois at Chicago, has revamped its World Wide Web site. The new and improved site is accessible by anyone with a computer, an Internet connection, and Web browser software. The ICJIA Web address is: www.icjia.state.il.us.

In addition to providing easy access to the latest criminal justice news and information, the site features the Authority's three major areas of operation: research, information systems, and federal and state grants.

Highlights of the site include:

√ An interactive database that allows users to retrieve crime statistics and trends in Illinois' 102 counties. Users may select a county and the type of crime data they are seeking, and the site will graphically display trends and statistics available in the database.

√ Electronic versions of the Authority's publications, including *The Compiler*, *On Good Authority*, and various brochures. Each publication also may be ordered from the site.

√ An extensive "search" function that allows users to explore the site for specific keywords, articles, and topics.

Much remains in development. But the Authority's diverse data collections, including crime and statistical information, and various print publications, are being stored in several databases within the site and can easily be updated and restructured as needed. This means the site will never grow "stale" and will present new and relevant criminal justice information as soon as it is available.

Additional interactive databases and various multimedia enhancements also will be developed and implemented.■

Balanced and restorative justice in Illinois

By Daniel Dighton

Following years of debate over the direction and effectiveness of juvenile justice in Illinois, a major overhaul of the system took effect Jan. 1.

The Juvenile Justice Reform Act of 1998 adopts a balanced and restorative justice model for Illinois' juvenile justice system. The intent of this approach is to balance the needs of the offender with those of the victim and the safety of the community.

The new provisions, also known as the Juvenile Justice Reform Provisions of 1998, try to strike a balance between the juvenile justice system's longstanding orientation toward rehabilitation and the more recent trend toward a more punitive system that holds juveniles accountable for their actions.

"It really is a third alternative, or approach, to doing things," said Cook County Assistant State's Attorney Randall Roberts, a supervisor in the delinquency division of the state's attorney's office and one of the principal architects of the legislation.

The extensive changes span several statutes, from provisions on juvenile records under the Children and Family Services Act, to motor vehicle offenses under the Illinois Vehicle Code. But the most significant changes are in the delinquency statute of the Juvenile Court Act (705 ILCS 405, Article V).

Purpose and policy clause

A key change to the delinquency statute is the adoption of a purpose and policy clause that embraces the balanced and restorative justice model for juvenile justice in Illinois.

"That's going to provide a lot more specific guidance to the judges, as well as others who work in the system," Roberts said of the purpose clause.

Adopted in some form by more than a dozen states in recent years, balanced and restorative justice is a philosophy that seeks to give equal attention to three competing interests: the needs of the juvenile offender, the rights and needs of the victim, and the safety of the community. The approach emphasizes that harm has been done to the victim and the community, and that they, as well as the offender, must be restored to a state of well-being.

Cook County Juvenile Court Judge Christopher Donnelly already was taking a restorative justice approach in his courtroom before the new law took effect. He said he doesn't anticipate major changes as a result of the new provisions. But Donnelly agreed that having the purpose clause would be beneficial. "It gives everyone a better idea of what we're trying to accomplish," he said.

Donnelly said his attitude toward the juvenile offender has been, "you've done something wrong, you've got to make it right," which is at the heart of restorative justice.

He already involves victims in his courtroom proceedings — one of the key points of restorative justice — and he makes offenders apologize to their victims after sentencing. After that, "I feel the victim feels a little better about things," Donnelly said.

The apology is a step toward healing that is important for both parties, he said, adding, "They still have to live in the same neighborhood, typically."

For nearly 100 years the nation approached juvenile justice by emphasizing the needs of the youthful offender. Beginning with the first juvenile court, established in Cook County in 1899, juvenile justice systems adopted the philosophy that children should be treated differently from adults. The belief was always that minors had not matured enough to be responsible for their actions and, through rehabilitative efforts, they could be rescued from the criminal path.

Shift in attitudes

In the 1980s, as the behavior of the worst young offenders turned more violent, the rehabilitative sentiment began to change. State after state began adopting more punitive laws for younger and younger offenders. By the mid-1990s, virtually every state, Illinois included, had adopted laws transferring violent juveniles to adult criminal court.

With the effectiveness of the state's juvenile justice system under scrutiny, and with sensational crimes by juveniles making headlines on a recurring basis, legislators decided to revamp Illinois' approach to juvenile justice.

The Legislative Committee on Juvenile Justice was created for that purpose in 1994, and in spring 1996 the committee submitted its report of findings and recommendations. At about the same time, a draft version of a juvenile justice reform bill was completed. The legislature later turned to the Illinois State's Attorneys' Association to redraft the proposal.

Following much debate and compromise over issues such as funding and transfers to adult court, the legislature passed Senate Bill 363 in January 1998. Gov. Jim Edgar issued an amendatory veto, which the legislature accepted in

Daniel Dighton is a public information officer with the Authority.

May 1998. The governor's changes focused primarily on giving judges continued discretion in considering the best interests of minors at certain points in delinquency proceedings. The bulk of the Juvenile Justice Reform Act of 1998 (Public Act 90-590) took effect Jan. 1. The record-keeping provisions were delayed until Jan. 1, 2000.

While supporters say the Act brings much-needed balance to a system that has failed to hold young offenders accountable for their actions, critics decry what they see as the continued "adultification" of the juvenile justice system.

Traditionally, terminology used in juvenile proceedings was different from that used in criminal court. But under the reform provisions, the terminology for most adult and juvenile proceedings will be the same. Instead of being "taken into custody," juveniles will be arrested; an "adjudicatory hearing" becomes a trial; and a "dispositional hearing" is a sentencing hearing.

Supporters say the changes will make the system easier to understand. Opponents, such as Steve Drizin, supervising attorney with the Children and Family Justice Center at the Northwestern University Legal Clinic, claim the terminology brings a stigma that runs counter to the purpose of juvenile court. "It is an undercutting of the basic foundation of the court, which is that children are different from adults."

Other major changes under the Act include:

- Limits to the number of station adjustments allowed for juveniles who get in trouble with police but are not officially charged;
- Increases in the lengths of time juveniles may be held in custody and detention;
- More extensive fingerprinting of juvenile offenders; and
- The creation of a statewide database to track juvenile offenders.

The Act authorizes counties to set up teen courts and community mediation panels, which would include victims, along with offenders and their parents. The Act also authorizes the establishment of county juvenile justice committees to facilitate planning and coordination of services.

Blended sentencing

The Act introduces the concept of blended sentencing to Illinois. Patterned after a similar practice in Minnesota, Extended Jurisdiction Juvenile (EJJ) prosecutions will allow prosecutors to seek both a juvenile and adult sentence. The adult sentence would be stayed as long as the juvenile abides by the provisions of the juvenile sentence.

One change under the Act that is expected to face a constitutional challenge is a provision allowing evidence to be presented by proffer at detention hearings. Previously, witnesses were required to be present to testify on evidence. Now, statements and police reports can be read into evidence, without the actual witnesses being present.

Roberts, while acknowledging that he expected the provision to be challenged, said he thinks the new procedure is constitutional. "We think there can be a reliable determination of probable cause without calling witnesses at that level," he said.

Drizin disagreed. The elimination of witnesses who can be questioned by defense attorneys reduces the chances of weak cases being thrown out at a crucial stage in the process, he said. Because there is no other opportunity to test the state's evidence before trial, the proffers will result in more juveniles being held in detention before trial, Drizin said.

"It means that especially weak cases have a greater chance of remaining in the system," he said.

Drizin said the best features of the new provisions are those that focus on giving youths the skills and opportunities to change their lives, the competency development aspect of restorative justice. But he criticized the bill for being big on the concepts and rhetoric of balanced and restorative justice, while failing to provide the resources needed to do the job.

"The shortfall of Illinois' juvenile justice reform, and among other states that are playing with this model, is that they don't place enough resources in the system," Drizin said.

Funding for the Act was a contentious issue, with the legislature eventually appropriating some $33 million to support various programs and initiatives outlined in the new provisions.

Implementation of balanced and restorative justice in Illinois will require extensive community activism and local initiative. Several initiatives that are part of balanced and restorative justice are unfunded and will have to be implemented at the county level.

Community mediation

One such initiative is the community mediation program. The Act authorizes state's attorneys to establish community mediation panels, made up of a cross-section of members of the community, which would work with victims and juvenile offenders and their families to arrive at a plan for restitution and rehabilitation. The cases referred to the mediation panels will involve juveniles receiving station adjustments, probation adjustments, or referred by the state's attorney as a diversion from prosecution.

Among the sanctions that could be imposed on the minor would be referral to a community-based nonresidential program, counseling, and other community services.

Roberts acknowledged that for restorative justice to be effective in Illinois, more needs to be done to intervene before young people end up in juvenile court. A continuum of care and intervention programs must correspond with a continuum of gradually increasing sanctions.

Balanced and restorative justice also will need to be embraced by the community to make a difference. The Juvenile Justice Reform Act provides a foundation to build upon, but for now specific programs may have to be supported through grants or volunteer efforts, Roberts said.

"I'm an optimistic person," Roberts said. "I think it will catch on. It's going to take time."■

Comparing key parts of the Juvenile Justice Reform Act of 1998 with previous Illinois law

The following analysis was excerpted from a booklet prepared by the Cook County State's Attorney's Office. Thanks are extended to Cook County State's Attorney Richard A. Devine, Juvenile Justice Bureau Chief Catherine M. Ryan, and Delinquency Division Supervisor Randall E. Roberts for their assistance and permission to reprint selections from that document.

Summaries are organized by statute, followed by sections in italics explaining the changes from the previous law.

Civil Administrative Code of Illinois (20 ILCS 2605/55a)

Statewide central juvenile records system for persons arrested prior to the age of 17 is broadened to include information on all juvenile felony arrests. State Police are required to enter juvenile arrest records sent to them by law enforcement agencies. These records will be available to "juvenile authorities." State Police must send a quarterly report to the General Assembly and Governor regarding number of juvenile records and a list, by category, of offenses that juveniles were arrested for, or convicted of, by age, race and gender.

The previous statute did not require State Police to enter juvenile arrests into statewide central juvenile records system, only adjudications and dispositions. (Purpose of this amendment as stated in this statute: "to make information available to local law enforcement officers so that law enforcement officers will be able to obtain rapid access to the background of the minor from other jurisdictions to the end that the juvenile police officer can make appropriate decisions which will best serve the interest of the child and the community.")

Criminal Identification Act (20 ILCS 2630)

2630/2.1

State's Attorney shall notify State Police of delinquency petitions filed and Clerk of the Circuit Court shall notify State Police of findings of delinquency and dispositions or sentences, including orders of supervision and probation revocations.

Current law does not require the State's Attorney to notify State Police of the filing of a delinquency petition. Clerk of Circuit Court is not required to report findings of delinquency or information concerning juvenile court sentences or dispositions to State Police.

Requirement that juveniles found delinquent of certain drug charges be fingerprinted after sentencing if they were not previously printed is extended to include juveniles placed on supervision. Permits the State's Attorney to request fingerprinting of a juvenile on any charge after finding of delinquency if the juvenile has not been previously fingerprinted.

Current law does not permit fingerprinting of a juvenile receiving a disposition or sentence of court supervision. Current law does not permit the State's Attorney to request fingerprinting in any case where there is a finding of delinquency and the juvenile has not been previously fingerprinted.

2630/5

Mandates that law enforcement agencies must submit to State Police fingerprints and descriptions of minors 10 years of age and older arrested for felony. Makes it discretionary for law enforcement agencies to submit this information for Class A or B misdemeanors.

Provides that these records shall be expunged as mandated in the new section 5-915 of the Juvenile Court Act as amended by this public act.

Current law permits any juvenile of any age to be fingerprinted; it does not set a minimum age below which a minor may not be fingerprinted. Current law requires fingerprinting for only particular offenses: unlawful use of weapons, forcible felonies, and Class 2 or greater felonies involving drug and motor vehicle offenses.

Juvenile Court Act (705 ILCS 405)

Article V

Part 1 - General Provisions

Sec. 5-101 Purpose and policy

A new purpose clause was enacted to demonstrate the General Assembly's adoption of a balanced and restorative justice model

for the state's juvenile justice system. The three principal goals of this model are set forth in this clause:

1.) To protect citizens from juvenile crime;

2.) To hold each juvenile offender accountable for his or her conduct;

3.) To equip juvenile offenders with the educational, vocational, social, emotional, and life skills which will enable the juvenile to mature into a productive member of society (competency development).

The balanced and restorative justice model will guide the juvenile court system as it strives to restore the victim, community, and the juvenile offender to a state of well-being by repairing the harm caused by the crime to these parties.

The previous version of the delinquency statute (Article V) did not contain a purpose clause. Instead, the delinquency statute shared a common purpose clause with the other articles of the Juvenile Court Act pertaining to abused, neglected, dependent minors, truants, minors requiring authoritative intervention and addicted minors. The clause made no mention of public safety or of holding juveniles accountable for their conduct. It used "the best interests of the child and the community" standard for all the various types of juvenile legal proceedings under the act, giving no specific guidance to the court in delinquency cases.

Sec. 5-105 Definitions

Eleven new definitions are added to the six existing ones of the previous delinquency statute. Some of the new definitions reflect the new terminology adopted by the Act. For example, "adjudicatory hearing" is replaced by "trial," and a "dispositional hearing" will now be called a "sentence hearing." Defines minors as persons under 21 years of age subject to the Juvenile Court Act.

The previous delinquency statute contained six definitions. Delinquency cases were also governed by the definitions found in the General Provisions of Article I. The Article I definitions were applicable to cases involving abused, neglected, and dependent minors, truants, addicted minors, and for minors requiring authoritative intervention as well as delinquent minors.

Sec. 5-115 Rights of victims

New provision that gives victims in delinquency cases the same rights provided in the Bill of Rights for Children and the Rights of Crime Victims and Witnesses Act.

The previous provisions of the Juvenile Court Act of 1987 did not address the rights of victims and witnesses, other than mandating that victims may not be excluded from juvenile proceeding. The new Act permits only victims of sex offenses to give victim impact statement. This provision conflicts with the Rights of Crime Victims and Witnesses Act, which permits any victim of a juvenile "violent crime" to give a victim impact statement.

Sec. 5-130 Excluded jurisdiction

If a minor is transferred to adult court on an excluded jurisdiction offense or pursuant to a mandatory, presumptive or discretionary transfer, or as a result of an extended jurisdiction juvenile prosecution, and is convicted in adult court, that minor is automatically transferred to adult criminal court for any new offense which occurs after such a transfer and conviction. The excluded jurisdiction offenses involving minors ages 13 and older charged with murder committed during the course of a rape or kidnapping, bail jumping, and violation of bail bond do not qualify for such treatment and are not included in this new section.

Not in Juvenile Court Act of 1987. This provision represents the only change to the automatic transfer statute.

Part 2 - Administration Of Juvenile Justice Continuum For Delinquency Prevention

Sec. 5-201 Legislative declaration

New provision that sets forth the General Assembly's intent for prevention and early intervention efforts in the juvenile justice system. Great emphasis is placed on community involvement and support of these activities and the need for each county and region of the state to establish a comprehensive juvenile justice plan.

Not in Juvenile Court Act of 1987.

Part 3 - Immediate Intervention Procedures

Sec. 5-300 Legislative declaration

New provision that sets forth the General Assembly's intent for immediate intervention programs. The declaration states, in part, "It is the belief of the General Assembly that each community or group of communities is best suited to develop and implement immediate intervention to identify and redirect delinquent youth."

Not in Juvenile Court Act of 1987.

Sec. 5- 301 Station adjustments

Distinguishes between informal and formal station adjustments. An informal station adjustment may be imposed when a police officer has probable cause that a minor has committed an offense. A formal station adjustment is defined as a procedure when a juvenile police officer determines there is probable cause that a minor committed an offense and there is admission by the minor of involvement in the offense. The minor and his or her parents must agree in writing to a formal station adjustment. Conditions imposed during a formal station adjustment may not exceed a time period of 120 days. This section lists a broad array of conditions and sanctions that a juvenile police officer may require a minor to comply with as part of the adjustment.

Juvenile police officers may authorize informal adjustment of a minor for an offense, but not for more than three misdemeanor offenses or three felony offenses within three years, or a total of five offenses. State's Attorneys may authorize additional adjustments.

Juvenile police officers may authorize formal adjustments of a minor for an offense, but not for more than three misdemeanor offenses or two felony offenses within three years, or a total of four offenses. Total number of formal and informal station adjustments shall not exceed nine without approval of State's Attorney.

Beginning Jan. 1, 2000, records concerning both formal and informal station adjustments involving felony offenses must be maintained and sent to the State Police for inclusion in the statewide central juvenile records system. Transmitting station adjustments involving misdemeanors is discretionary. Both formal and informal station adjustments do not constitute an adjudication of delinquency or a criminal conviction.

In the previous statute, there was no distinction between types of adjustments or definitions of informal or formal station adjustments.

Sec. 5-310 Community mediation program

New provision that allows State's Attorneys to establish community mediation panels to meet with victims, juvenile offenders and their parents in a process to hold juveniles accountable, to restore the victims and the community after injuring them, and to offer the juvenile offenders opportunities to develop skills necessary for development as positive members of the community.

Not in Juvenile Court Act of 1987.

Sec. 5-405 Duty of officer

New provision permits an arresting officer, upon arresting a minor for a misdemeanor offense, to release the minor to his parent or guardian rather than turning the minor over to a juvenile police officer.

Previous statute required minor to be turned over to juvenile police officer.

Sec. 5-410 Non-secure custody or detention

Provides that no minor 12 years of age and older shall be detained in police station for more than 12 hours, except when the offense being investigated is a crime of violence in which case the minor may be detained up to 24 hours.

Previous statute permitted a minor to be detained in a county jail or municipal lockup for no more than 6 hours while a crime was being investigated.

Part 5 – Pretrial Proceedings

Sec. 5-501 Detention of shelter care hearing

Procedures for detention hearing. Permits the State's Attorney and minor to present evidence by way of proffer based on relevant and reliable information.

Proffers were not mentioned in the Juvenile Court Act of 1987.

Sec. 5-810 Extended jurisdiction juvenile prosecutions

Authorizes new type of prosecution in Juvenile Court. At any time before trial, State's Attorney may file petition with the court, requesting that a juvenile's case be designated as an extended jurisdiction juvenile (EJJ) prosecution. Such a petition may be filed in connection with any felony involving a juvenile 13 years of age or older. At the hearing to determine whether the case should be designated an EJJ prosecution, the court must determine if there is probable cause to believe the allegations are true. There is a rebuttable presumption that the case should be designated an EJJ prosecution unless the court finds, by clear and convincing evidence, that imposing an adult sentence would not be appropriate based on six factors. The six factors are the same as the first six factors found in the new presumptive and discretionary transfer sections.

If the minor is tried and found guilty in an EJJ proceeding, the Juvenile Court shall impose both a juvenile and adult sentence on the minor. The adult sentence is stayed while the minor serves the juvenile sentence. If the juvenile is alleged to have violated the conditions of his or her juvenile sentence, a hearing must be conducted and the court must find by a preponderance of the evidence that a violation was committed. If the violation involves the commission of a new crime, the Court must order the minor to serve the adult sentence. If the violation involves something other than the commission of a new crime, the court may order the adult sentence be served or continue the minor on the juvenile sentence with the modified conditions.

EJJ prosecutions are open to the public at all stages.

Not in Juvenile Court Act of 1987.

Article VI

Sec. 6 -12 County juvenile justice councils

New provision that authorizes countywide or circuitwide councils that advise county boards on the status of juvenile delinquency prevention programs available in the county or circuit. Statutory members include representatives of the state's attorney, chief probation officer, the county board, and the chief judge. The chairperson shall appoint additional members including a police chief and representatives from youth service providers, juvenile justice agencies, schools, businesses, and community organizations. The purposes of the council include: developing a county juvenile justice plan to prevent and deter juvenile crime, and advising the county board how to effectively utilize existing community resources for at-risk and delinquent juveniles.

Councils are authorized to enter into written county interagency agreements to further the goals of the county juvenile justice plan, to apply for and receive grants to be administered by community partners, and to develop a countywide resource guide outlining services for the prevention of juvenile delinquency.

Not in Juvenile Court Act of 1987.■

Panel Q & A on juvenile justice reform

(continued from front cover)

the enactment of this legislation, our state's delinquency statute did not have a purpose clause specifically for delinquency cases. We think the BARJ model will provide our juvenile courts with the specific guidance needed to effectively deal with the problem of juvenile delinquency in our state. The vision and conceptual framework provided by the BARJ Model are beneficial not only in dealing with the youths who have committed a crime but also as a method of preventing and reducing juvenile delinquency.

The BARJ Model is based on two key concepts. "Restorative justice" emphasizes that when a young person commits a crime, the youth injures another person (the victim) as well as the community. Consequently, this approach maintains that the juvenile offender has an obligation to repair the harm caused by his or her acts and to "restore" the victim and the community, as much as possible, to the state of well-being that existed before the crime. The second concept, the "balanced approach," holds that the juvenile justice system should give equal attention and resources to three fundamental goals: (1) ensuring public safety; (2) holding juvenile offenders accountable to the victims (individuals and the community); and (3) providing competency development for juveniles so that they can become productive citizens and not re-offend. The balanced approach does not mean that there must be equal amounts of punishment and treatment in every case. Rather, this approach requires at the systems level that adequate funding and resources be devoted to all three goals.

We believe that the BARJ Model has great advantage over traditional models of juvenile justice, which focus almost exclusively on either the treatment or punishment. These models are inherently in conflict and shortsighted. The strength of the BARJ Model is that it represents a community-oriented response to juvenile crime that places the primary focus on restoring the well-being of the victim and repairing the harm caused to the community. Historically, the victim and the community have been forgotten "clients" in juvenile court. This has caused a great deal of dissatisfaction among members of the public who view this court as ineffective and insensitive of their needs. Under the BARJ Model the juvenile offender, the victim, and the community in which they live, are all viewed as "clients" of the juvenile justice system. Justice is best served when equitable attention is given to all three groups. The courts alone cannot solve the problem of juvenile delinquency. We must change our thinking and modes of working from an offender-focused system to one in which we work in active partnership with the community to achieve the goals of public safety and offender accountability, while developing the competency of the juvenile. We think that the BARJ Model offers the best vision for accomplishing these goals.

Dallas Ingemunson:

I believe the balanced and restorative justice approach will be very good for the Juvenile Justice system in Illinois. Not only will it allow victims greater participation in the outcome of their cases, it will also provide an opportunity for juvenile offenders to better understand the impact of their actions. Most importantly, but perhaps the part that will be most difficult to implement, is making the community an active partner in the juvenile justice system. Balanced and restorative justice assumes that there is a relationship between offenders and their communities. Often that is not the case, although it should be. As the Act takes effect, it is critical that communities become part of the juvenile justice system, not just bystanders. It will require taking responsibility for all the citizens in the community — victim and offender.

Amy Maher:

I hope the balanced and restorative approach will help to instill a sense of responsibility in the juveniles and their families. In many cases, it appeared that the "best interests" standard was used to

The panelists for this Q&A are:

Catherine M. Ryan: Chief of the Juvenile Justice Bureau, Cook County State's Attorney's Office, and a principal architect of the reform provisions.

Dallas Ingemunson: Chairman of the Illinois Juvenile Justice Commission. A former Kendall County State's Attorney, he served on the Legislative Committee on Juvenile Justice.

Amy Maher: Assistant State's Attorney in the Juvenile Division, Madison County State's Attorney's Office. She assisted with drafting the reform provisions.

Betsy Clarke: Juvenile Justice Counsel, Cook County Public Defender's Office.

shield the minor from real responsibility for his or her actions. The victims of juvenile crime should become a much more significant factor in the resolution of these cases, which should help to ease the frustration many victims feel when dealing with juvenile offenders. It should also help to reduce or even eliminate the impression the general public has that the juvenile offenders receive nothing more than a "slap on the wrist" for their crimes. No one should be left with that impression. The opening of the system to some public scrutiny should demonstrate the balanced approach.

Betsy Clarke:

The single most significant change in the Juvenile Justice Reform Act of 1998 is the shift in purpose to restorative justice. For the entire 100 years of its existence the juvenile court in Illinois has had jurisdiction over minors accused of criminal violation for the purpose of rehabilitating juvenile offenders. Now the court will have jurisdiction for the purpose of restoring the community, thereby taking into consideration the safety of the community and the need to repair the harm to the victim along with the purpose of developing competency to the offender.

Predicting how great the change will be is difficult. On the one hand, the focus in restorative justice merely integrates the purposes of punishment, rehabilitation and prevention that currently compete within the juvenile system. On the other hand, the focus in restorative justice on victims' rights and on reconciliation (through acknowledgement of guilt and repentance) render a restorative justice system vastly different from the current system of justice.

The impact from the restorative justice provisions depends in part on whether rehabilitation is held to be still applicable to delinquency proceedings. As originally drafted, the Juvenile Justice Reform Act appeared to replace rehabilitation with restorative justice as a philosophical goal for delinquent minors. However, the changes in the governor's veto included reinserting "best interests" as a consideration at a few key decision points in the delinquency process. It will now be up to the courts to determine if the changes in the governor's veto were sufficient to retain rehabilitation along with restorative justice as the goal for delinquency proceedings.

Restorative justice is a radical shift in philosophy from American judicial processes. The ultimate goal of restorative justice is reconciliation, which is fundamentally distinct from either punishment or rehabilitation.

If both restorative justice and rehabilitation are goals for delinquent minors, then Illinois will follow the approach recommended by Illinois' Legislative Committee on Juvenile Justice. As in the state of Minnesota, retaining rehabilitation while adopting restorative justice allows a juvenile justice system to be responsive to victim concerns through accountability while also improving its treatment programs for minors in the system.

Either way, this is a huge change in the basic goals of the juvenile justice system. Restorative justice is a radical shift in philosophy from American judicial processes. The ultimate goal of restorative justice is reconciliation, which is fundamentally distinct from either punishment or rehabilitation. Restorative justice begins with an admission by the offender and then seeks to restore balance or harmony; thus, restorative justice processes often focus on ensuring that the offender appreciates the harm from the alleged criminal act through diversionary processes, such as family group conferences. Yet, juvenile justice as we have known it assumes innocence (as does criminal justice) and then seeks to rehabilitate once guilt has been proven.

Clearly, restorative justice will be successful only if there are sufficient resources to successfully divert youths from the juvenile justice system through competency development. If these services are not in place, then restorative justice will not be balanced since it will not be able to develop competency in the minors in the juvenile justice system.

The Act adopts terminology for juvenile cases, such a "arrest," and "trial," that has been reserved for adult criminal cases. What impact, if any, will the new language have on the juvenile justice process?

Ryan:

We think the new terminology will make our juvenile justice system more understandable and less mysterious to all citizens who participate in it or who hear or read about the process. Under the old statute, a juvenile was "taken into custody," was given an "adjudicatory hearing," and, if found "delinquent," was sanctioned at a "dispositional hearing." Under the new act, the juvenile is "arrested," has a right to a "trial," and, if found "guilty," is subject to a "sentencing hearing." These are the

terms that the youths in the system use already. The kids know those terms from television and the media. The new terminology is the common parlance of professionals who work in the court everyday. The general public understands the meaning of these terms, unlike those employed under the prior statute. Justice is well served if all parties leave the courtroom with a clear understanding of what transpired.

These are the terms that the youths in the system use already.

It should be noted that there was not intent under the reform provisions to equate a juvenile finding of guilt with an adult criminal conviction. The word "conviction" is not used. The judge at the sentencing hearing must still determine whether it is in the best interests of the minor and the public that he or she be made a ward of the court (Section 5-705). The statute still retains all the options for sanctioning that are unique to juvenile court. These provisions were in the old statute and were intentionally kept intact in the new law.

Ingemunson:

The change in terminology will help the general public understand what is happening at juvenile court. In the past, those who are not generally involved with the juvenile court have been confused by the terminology. It may also help the young offenders to follow the proceeding in which they are involved and the importance of what is happening. Oftentimes minors do not have a complete understanding of what is taking place in court.

Maher:

In Madison County, I don't foresee a real change in the system just because the words have been changed. In practice, we have found that the only way to make many people understand what is happening, including victims, witnesses and, significantly, the minor respondents themselves, has been to use the corresponding "adult" terms.

Clarke:

On the one hand, it has been argued that the change in terminology will make it easier to communicate with juveniles and their families about court processes and proceedings.

On the other hand, the change in terminology will make it harder for those involved in the system to differentiate the juvenile court from the adult criminal court. This is no small concern.

The change in terminology will make it harder for those involved in the system to differentiate the juvenile court from the adult criminal court.

The steady march toward more adversarial proceedings in juvenile court has made it increasingly difficult to remember that the juveniles appearing before the court are not adults. Proceedings that are quick, adversarial and couched in adult terminology make it very easy to avoid direct contact with the youth at the center of the proceeding. Yet, these youths — like all youths — are developmentally very different from adults. As a society we agree that kids who are 10, 11, 12, 13, 14, 15 years old are too young to drive a vehicle. We agree that 15- and 16-year-olds are too young to vote. We agree that kids under 18 are too young to marry. We agree on these points because kids — including teenagers — do not appreciate the consequences of their actions due to their developmental limitations. These developmental limitations should encourage us to make juvenile justice proceedings "developmentally sensitive," so those juveniles can fully understand the special nature of the proceedings against them. Yet, merely substituting adult terminology for the juvenile justice phrases used in the past does not fully convey the special nature of court proceedings — it merely encourages all present to think of the minors as mini adults and of the court proceedings as mini adult trials. Thus, these terminology changes merely adultify the juvenile court, rather than rendering it more comprehensible for the youths involved.

The Act calls for more extensive reporting and record-keeping on minors at various stages of the juvenile justice system, including arrests, delinquency petition filings, and findings of delinquency. The Illinois State Police will maintain this information in a statewide juvenile records system. What are the implications of this type of system? What are the obstacles to overcome in its implementation?

Ryan:

Beginning Jan. 1, 2000, the reform provisions establish a comprehensive statewide central records system which will be maintained and operated by the Illinois State Police. The new law requires all

law enforcement agencies to submit fingerprints and descriptions of all juveniles who are 10 years of age and above who are arrested for a felony offense. (It should be remembered that under current statute, a juvenile of any age may be fingerprinted.) It is discretionary for law enforcement agencies to submit this information for misdemeanor offenses. In addition, the law requires the reporting of station adjustments, probation adjustments, delinquency petitions and juvenile sentences.

These modifications will, for the first time, give law enforcement officials an accurate method to determine the history of delinquency of a minor. Presently, there is no comprehensive statewide record kept on juvenile delinquents. Consequently, when a juvenile misrepresents his or her identity, or is arrested in one of more than 100 municipalities in Cook County or in an adjoining county, a police officer frequently can obtain little or no information about a juvenile's background. This is particularly true when the juvenile has never been fingerprinted, which is the most reliable means to determine the juvenile's true identity. This leads to police officers making decisions about station adjustments, court referrals, and detentions based upon fragmentary, incomplete and erroneous information. This current procedure does not serve the best interests of the minor or the public.

We do not see any major obstacles to implementing this system that cannot be overcome. Certainly, law enforcement agencies, state's attorney's offices, and clerk of court's offices will have to be made fully aware of the changes in the law and properly trained to implement it. The Illinois State Police must be given adequate resources to assume their expanded responsibilities. When this new system is fully implemented, we think it will greatly enhance the ability of law enforcement to make better decisions on appropriate interventions for our young people who commit delinquent acts.

One of the things that we heard about in the Legislative Committee on Juvenile Justice, was the advantage of being able to correctly identify young people immediately and being able to have an indication of their past criminal histories.

Ingemunson:

There are many implications for this type of record system. One of the things that we heard about in the Legislative Committee on Juvenile Justice, was the advantage of being able to correctly identify young people immediately and being able to have an indication of their past criminal histories. This could be of monumental assistance to police officers when they are investigating a case and determining whether to detain a youngster. However, there are several critical questions to be addressed with such a system. How can the information be used? By whom? Under what circumstances?

The greatest obstacle to be overcome in such a record-keeping system will be simply getting the information. At the present time there is juvenile information which police agencies are required to report to the Illinois State Police that is not being submitted by many departments. The second obstacle will be keeping the information current so that incorrect information is not kept in a young person's record.

Maher:

The implications of the system should be to make it as easy to track juveniles as it is to track adults. The intent is to avoid the situation where a juvenile continues to violate the law and is treated as a first-time offender every time. Juveniles in particular need to learn that continued violations will result in escalating consequences. The system can quickly become a joke if police officers, prosecutors and judges are repeatedly telling a minor "the next time...." In addition, most experienced juvenile prosecutors understand the need to tailor a disposition or sentence to the individual, and that can best be done with full information on all the potential problems. The goal of juvenile court remains one of individual deterrence. The obstacles are the amount of time and paperwork involved, and the number of cases the Illinois State Police and other police agencies will be required to process.

Clarke:

The extensive record keeping envisioned in the Act may make it more difficult for nonviolent youths who come into limited contact with the justice system to develop "competency."

All arrests are going to be included in the statewide juvenile records system. This includes arrests of youths that are never formally prosecuted, as well as arrests of youths that are prosecuted but found not guilty.

These records may make it difficult for youths when they apply to a university, or when they apply for a job. While the records can eventually be expunged, this involves knowledge of the court system that many juveniles lack. Keeping such extensive records of mere arrests is of ques-

tionable value. The record system would be of more value if it contained records of dispositions, rather than arrests.

The Act establishes extended jurisdiction juvenile (EJJ) prosecutions that allow the imposition of a "blended" sentence (a juvenile sentence is imposed along with an adult sentence, which is stayed while the minor serves the juvenile sentence). What difference do you think this new sentencing option will make in juvenile courts? How often do you think it will be used?

Ryan:

The EJJ prosecution provision will give state's attorney's another option in deciding whether a juvenile's case should be heard in juvenile court or adult criminal court. We believe that in some instances a prosecutor may seek to designate a case as an EJJ prosecution rather than seek a transfer to adult court. EJJ prosecutions are best suited to cases where the state's attorney is recommending an initial sentence of juvenile probation.

EJJ prosecutions will be used sparingly, especially as we all adjust to this new legislation. EJJ prosecutions were enacted in Minnesota, becoming effective January 1, 1995. In 1995 and 1996, of the 341 designated offenders in Minnesota, 49 (or 14 percent) had their adult sentences executed. However, of these same 49 juveniles, only 18 (or 37 percent) were sent to the state prison system. There is a small universe of serious crimes and juvenile offenders where EJJ prosecutions will be best utilized. This fact, coupled with the resource demands of the juvenile's right to request a jury trial, will cause many state's attorneys not to use EJJ prosecutions very often.

EJJ prosecutions are best suited to cases where the state's attorney is recommending an initial sentence of juvenile probation.

Ingemunson:

The existing provisions for transfer to criminal court have been used most often (and some exclusively) in Cook County and I believe it will be the same for EJJ. Having said that, the immediate impact will be on providing for jury trails, including finding space for jury boxes and jury rooms to the added cost of having jurors involved in juvenile cases.

For the minors themselves, I believe EJJ is a very smart approach for serious juvenile offenders. The imposition of both juvenile and criminal sanctions allows the young person a last opportunity to be treated by the juvenile system, but holds him or her very responsible for taking advantage of that opportunity. If the young person fails, then the criminal sanctions that keep the public safe should be imposed.

Maher:

In my view, the primary result of EJJ cases will be a "last chance" for juveniles who have committed a serious offense, but appear to have no other indicators of risk — e.g., they have no prior history of criminal behavior, they attend school and are not problems in school, they have families that are appropriate in their response to the juvenile's behavior and/or they have treatment needs which are identifiable and treatable in a community-based setting. The other possibility is the chronic, but not violent, offender who has similar indicators of potential for rehabilitation. I would not expect to see a large number of cases handled as EJJ prosecutions.

Clarke:

It appears that EJJ is unlikely to be used much at all outside of Cook County, and rarely used in Cook County.

This is very different from the track record of EJJ in Minnesota, the original EJJ state. EJJ in Minnesota is used as an alternative to transfer to adult court, rather than in addition to automatic transfer (excluded jurisdiction) as it is set out in this reform act. Further, EJJ in Minnesota was passed along with a funding component for extensive services (mainly residential treatment) for the EJJ youths. Thus EJJ has been used as a "last ditch" effort with youths who would otherwise end up in the adult criminal system.

The automatic transfers in Illinois never pass through juvenile court so it will not be used as an alternative to adult prosecution for the automatics. Since there is no funding component for special services for the EJJ, and since the consequences of failure (imposition of the adult sentence is manda-

tory upon a finding of any subsequent offense) are so severe, it is unlikely that EJJ will be used in many cases.

Other than EJJ, the new legislation basically kept intact the existing provisions governing the transfer of juveniles to adult criminal court. Do you think more needs to be done in this area?

Ryan:

We think the transfer provisions may need some further modification at some point in the future. However, we believe we need a year's experience with this new legislation, particularly EJJ prosecutions, before more changes are made.

Ingemunson:

The Illinois Criminal Justice Information Authority collected and analyzed some very interesting data regarding the current transfer provisions while supporting the Legislative Committee on Juvenile Justice. It found that those youths whose transfers came about because of the school zone and public housing zone provisions, most often got probation, not jail time. The sentences were consistent with what adult offenders received for the same offenses. I would suggest that we revisit those provisions and consider whether those cases might be better off in Juvenile Court where our Juvenile Probation and Court Services Departments have more appropriate services for these youngsters. If those cases cannot be returned to Juvenile Court, then perhaps EJJ should be expanded to include these types of cases.

Maher:

There is probably a lot of room for improvement, but as the system evolved into a complicated set of rules and procedures, we found it difficult to simplify.

More needs to be done in the area of the victimless zone transfers — the cases that end up in criminal court based on the location of the incident (drug and weapons offenses within 1,000 feet of school/public housing).

Clarke:

More needs to be done in the area of the victimless zone transfers — the cases that end up in criminal court based on the location of the incident (drug and weapons offenses within 1,000 feet of school/public housing). These provisions are extensively used — at least one third of the transferred youths in the Cook County detention center are held based on these victimless offenses. The youths prosecuted under these provisions receive a permanent criminal conviction based on victimless conduct — while youths that commit the same offense in a different location receive the benefits of the juvenile justice system. Further, these youths generally receive probation in the adult system, revealing that they are not viewed as a threat to the public safety. These provisions do not serve the public good since they saddle nonviolent offenders with adult convictions, reducing their future employment and education prospects without increasing public safety. The debate will continue on the necessity of these provisions since they were not revised.

The Act did modify transfer provisions by adding a provision that "once transferred always transferred" for some classifications of transfer — including drug and weapon zone transfers. The impact of these provisions will be most harshly felt by the drug zone transfers, rather than by the more serious violent offense transfers.

The Act places a limit on the number of station adjustments (basically, nonjudicial sanctions by police officers) that may be imposed, and distinguishes between informal and formal station adjustments. Beginning Jan. 1, 2000, the law also requires all station adjustments involving felons to be reported to the Illinois State Police for inclusion in the statewide juvenile records system. What impact do you feel these changes to station adjustments will have on the juvenile justice system?

Ryan:

Prosecutors around our state have observed many cases over the years where juveniles have received numerous station adjustments, some as many as 30 to 40. The juvenile court system has failed these children by not effectively intervening at an earlier point and interrupting this pattern of

criminal behavior. The youths get a message that the juvenile court system can be manipulated and that there are no consequences for their anti-social conduct. An opportunity is lost to provide these minors with the programs and services that sometimes only a judge can mandate. A review of these minors' histories quickly demonstrates why many of these same kids commit serious crimes shortly after their 17th birthday and end up spending a majority of their lives in prison.

Based on this experience, we felt there was a need to place limits on station adjustments and to implement ways to screen and review them. This does not mean that we intend to file more juvenile petitions and bring more kids into the court system. The majority of cases will continue to be station adjusted, particularly where we determine that we cannot meet our burden of proof. In other cases, the child can be appropriately placed in a court-based or community-based diversion program and need not be sent to court.

Ingemunson:

In some jurisdictions, the limitations on station adjustments may have very little effect. In others, I believe some juveniles will be referred to court sooner than in the past. I hope informal and especially formal adjustments, which require parental sign-off, will be used to get help to juveniles and families before serious problems occur.

I hope informal and especially formal adjustment, which requires parental sign-off, will be used to get help to juveniles and families before serious problems occur.

Maher:

I see no practical impact in my county. We have probation adjustments/informal supervisions, and station adjustments are rarely used. It will be helpful to know if a juvenile has had a prior adjustment in another county.

Clarke:

As with restorative justice, my concern with the station adjustment provisions is the emphasis on admissions as a basis for a formal station adjustment. Combined with the restorative justice philosophy it is cause for concern that minors may feel pressure to admit to an offense in order to avoid court proceedings without fully understanding the consequences of their admissions.

The new provisions authorize the creation of county juvenile justice councils to advise county boards on the status of juvenile delinquency prevention programs available in a county or judicial circuit. How do you envision these councils being utilized, particularly in your own community?

Ryan:

This new legislation authorizes but does not mandate the formation of these councils. We believe these councils will be very beneficial to local jurisdictions as they develop juvenile justice policies and programs. The statute sets forth some of the duties and responsibilities that a council may want to undertake. One very important task is for the council to develop a comprehensive county juvenile justice plan that could be utilized by the county board and other policy makers. The council could play a major role in facilitating the cooperation of all the different government offices and agencies that work in the juvenile justice system. It can encourage and develop innovative pilot programs through private and public grants with community partners. It would be a great benefit if the council would develop a countywide resource guide for minors in need of services.

In Cook County, we hope our council will serve as a policy coordinating body for all agencies who work in the juvenile justice system. If agency heads commit to making the council work, changes could move much more quickly. We would like the council to implement the balanced and restorative justice model in its recommended programs. It is essential to obtain some funding and recruit for volunteers among community and non-profit organizations to begin the council's work. It would be very helpful for the council to develop a countywide resource guide for Cook County. In a jurisdiction as large as Cook County, there are many existing services that people simply do not know are available. We envision representatives from the schools, churches, parks, businesses and community organizations playing a major role in the council. Juvenile crime, truancy, youth gangs

(Continued on back cover)

New rules for juvenile criminal history records

By Mark Myrent

The Illinois Juvenile Justice Reform Provisions of 1998 were written, in part, to provide criminal justice officials with the tools they need to make informed decisions about juvenile offenders. These decisions include whether to give a station adjustment or to refer a minor to court, whether to detain a minor, how to charge and adjudicate the case, and the types of intervention services needed.

Similar decisions on adult offenders have always been based partly on the records in the Computerized Criminal History (CCH) system maintained by the Illinois State Police (ISP). Criminal records of juveniles, however, have historically been only sparsely available, due to underreporting of information by police and other criminal justice agencies.

Another goal of the reform provisions is "to provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile offender."

Therefore, there will be an even greater need for juvenile criminal history records to guide decisions concerning the referral of juvenile offenders to the appropriate service provision programs.

To accomplish this, the new Act requires that criminal history records on juvenile offenders include a wider range of offense types than in the past. In addition, there will be greater detail in those records — including information on juvenile contacts with police, state's attorneys, probation departments, courts, and the Illinois Department of Corrections.

Other changes expand the numbers of agencies and officials who may access those records. While most of these changes took effect Jan. 1, others will become effective Jan. 1, 2000. There are both mandatory and voluntary reporting requirements placed on criminal justice agencies corresponding, respectively, to felony and misdemeanor offenses committed by juveniles.

Fingerprinting of juveniles

Under the old statute, fingerprinting was permitted for any juvenile taken into police custody. The submission of those fingerprints to the state police, however, was required only for specific felonies, including forcible felonies, unlawful use of a weapon, and Class 2 or greater felonies involving drugs or certain motor vehicle offenses.

Effective Jan. 1, 2000, law enforcement agencies must submit to ISP fingerprints and descriptions of all minors 10 years old and older arrested on felony charges, and may submit this information if there are misdemeanor charges.

The forcible felony category included in the old statute contains a number of specific felony offenses — murder, criminal sexual assault, robbery, burglary, arson, kidnapping, certain types of aggravated battery, and any other felony which involves the use or threat of physical force or violence against any individual.

Past audits conducted by ISP of local agency reporting practices found that juvenile fingerprints and data were among the most prominent areas of noncompliance. Therefore, criminal history background checks would, in many instances, fail to provide documentation of juvenile arrests (and final court dispositions) for any offenses. The new provisions simplify the mandatory reporting requirement to cover all juvenile felony arrests. This may improve the overall completeness of juvenile arrest and disposition data on criminal history records. Reporting compliance may also be enhanced by the attention being drawn to the juvenile justice reform initiative.

The new provisions make it discretionary for agencies to submit juvenile fingerprints and arrest information for Class A or B misdemeanors. This may ultimately have greater impact on adding new juvenile records to the CCH system than the felony arrest reporting mandate — depending on whether police agencies decide to aggressively exercise that option. Although fingerprinting was permitted for any juvenile taken into police custody under the old statute, the policy of ISP was to post only those arrests for felony charges, thereby eliminating most misdemeanor offenses.

In the past, police were required to submit fingerprints and information for any juvenile who committed a reportable offense. The new provisions require that the juvenile be at least 10 years old.

Criminal record information

The Act requires that state's attorneys report to the state police information concerning all delinquency petitions filed against a juvenile. The new law also requires that circuit court clerks report most juvenile court dispositions, including findings of delinquency and any sentences based on those findings, court orders which revoke or terminate a juvenile disposition of probation, su-

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pervision, or conditional discharge, and any subsequent court orders after such revocations.

There is a subtle distinction in the statutory language. State's attorneys must report all delinquency petitions filed by their office, regardless of whether a preceding arrest event was reported by police. This means that even if police decide not to report a misdemeanor arrest to ISP, the state's attorney must still report the subsequent delinquency petition. In such instances, the state's attorney would be responsible for asking the court to order fingerprinting of the juvenile following sentencing. This would ensure a fingerprint-based criminal history record on that juvenile.

Circuit court clerks are required to submit court disposition information only as it pertains to juveniles who were fingerprinted at the time of arrest, or were fingerprinted after sentencing. This could result in the non-reporting of certain court dispositions even though a delinquency petition was filed on a juvenile. For example, if a police department decides not to report a misdemeanor juvenile arrest to ISP, but a delinquency petition is filed and the juvenile is placed on supervision or found not delinquent, he or she may not be fingerprinted at the time of arrest or after sentencing. In such instances, there is no requirement to submit information about a court disposition where no sentencing has occurred.

Following arrest, some juveniles receive nonjudicial probation adjustments in lieu of a formal delinquency petition being filed. These adjustment plans may carry similar conditions as police station adjustments, except that they involve the oversight of probation officers. The new law requires that these nonjudicial probation adjustments be reported to ISP by probation departments as another type of arrest outcome.

Finally, certain incarceration information is also to be included in juvenile criminal history records. The Illinois Department of Corrections will be required to report the admission, release, and certain custody status changes for juveniles who are either committed to its jurisdiction from juvenile court or sentenced from criminal court. Previously, this requirement applied only to those persons sentenced from criminal court. On the other hand, the new provisions do not require the reporting of post-adjudicatory admissions to and releases from county-run juvenile detention centers. This is noteworthy from the standpoint that equivalent information on adult offenders (county jail contacts) is reported to ISP.

Station adjustments

The new Act also mandates the reporting of station adjustments by police following an arrest. The new provisions include both formal and informal station adjustments, and limit the number of station adjustments without state's attorney approval. In the past, there were no limitations on the issuance of station adjustments and no reporting requirements.

One dilemma in this provision is that while police were to begin tracking station adjustments Jan. 1, the requirement for ISP to establish a repository for this information does not become effective until 2000. Until that time, police can only track station adjustments within their own jurisdiction, or perhaps in selected other jurisdictions by making telephone inquiries. Even after police begin reporting station adjustments to ISP next year, information will be lacking relative to station adjustments that occurred prior to 2000.

Another problem stems from the voluntary nature of reporting station adjustments of juvenile misdemeanor arrests. Police will be unable to determine whether juveniles have reached their maximum limit of station adjustments if criminal history records provide only a reliable count of those stemming from felony arrests.

Station adjustments and criminal history records

One issue currently under consideration by state police officials is whether station adjustments can be recorded as a component of a juvenile's criminal history record, thereby merging all the information concerning criminal justice contacts onto one record. While it may seem logical that station adjustments should be incorporated into the existing criminal history reporting process, there are some factors that would make such an integrated reporting and record system problematic. The reporting of juvenile misdemeanor arrests is voluntary. If station adjustment reporting is possible only as part of the criminal history record arrest report, some police may forego reporting the station adjustments of those misdemeanor arrests. Despite supporting the need to track a juvenile's accumulation of station adjustments, they could also feel the seriousness of a misdemeanor offense does not justify fingerprinting the juvenile and creating a permanent or at least long-standing criminal record on that youth.

Another potential problem is that station adjustments can also be issued by police for status offenses such as running away, curfew violations, truancy, and underage drinking. Although police may wish to report the station adjustment to ISP, the new Act is silent over whether the originating arrest is reportable.

Access to records

Effective Jan. 1, 2000, juvenile criminal history records will be available to a large number of juvenile authorities, including law enforcement officers, prosecutors, judges, attorneys, any individual or agency having custody of the juvenile or providing treatment to the juvenile, adult and juvenile prisoner review boards, authorized military personnel, and members of the Illinois General Assembly.

The reform provisions, in short, will make a host of additional information available to a larger group of justice system officials.■

$33 million dedicated to support juvenile reform provisions

By Tracy Malecki

Although concerns have been raised about available funding for implementing the Juvenile Justice Reform Act, the General Assembly did appropriate more than $33 million for the current fiscal year to support programs called for in the new provisions.

Also, while authorizing county boards and municipal authorities to create and fund youth programs, the Act allows the state to be more engaged in technical assistance, monitoring, and assessment. That means a closer eye on noncorrectional community-based programs, said Jim Nelson, director of Community Health and Prevention for the Department of Human Services (DHS).

"One of the problems with preventative programs is the things that look good and feel good often times don't work," Nelson said. One task for DHS will be to identify and expand programs and services that work.

Much of the Act's strength lies in the balanced and restorative justice model, which places an emphasis on "a continuum of intervention, all the way from diversion to prevention and intervention," said Jim Grundel, assistant director of probation for the Administrative Office of the Illinois Courts.

Where the money is going

The legislature appropriated $33.2 million for programs and services connected to the new Act.

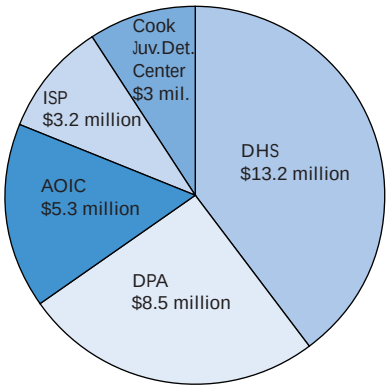
- AOIC received $5.3 million, most of which will support the addition of probation officers and other staff for new programs and to help reduce caseloads, said Cook County Juvenile Probation Department Director Mike Rohan.

Of that amount, the Cook County Juvenile Probation Department received almost $500,000 for seven community-based intervention pilot programs. The programs include a 15-session violence intervention course on the personal consequences of violence to victims and offenders.

- A first-year $8.5 million allotment to the Illinois Department of Public Aid will allow counties to recover a portion of residential placement expenses through Medicaid reimbursements. Rohan estimated that of the 8,000 juveniles on probation in Cook County, 150 have such severe psychological problems that they are court-ordered to 24-hour, secured, medically supervised, clinical intervention programs at $200 or more per day. The fund will cover some of this cost.
- The Illinois State Police received $3.2 million for the development of a juvenile database.
- Another $3 million was designated for the Cook County Juvenile Temporary Detention Center.
- The largest portion of the state appropriation, $13.2 million, is going to DHS. More than a third of those funds will be used to develop prevention, diversion, and intervention programs. Roughly $5.6 million was set aside for community-for-youth projects, including tutoring, counseling and therapy, advocacy, day/evening reporting centers, pre-employment and vocational services, and home detention, Nelson said.

In addition to community-for-youth projects, DHS boosted funding for the Teen R.E.A.C.H. program by $2.7 million for a total of $6 million for the year. The after-school program, which stands for Responsibility, Education, Achievement, Caring, and Hope, began in July and is expected to serve more than 7,000 young people a year. The program seeks to increase academic success, reduce instances of sexual and substance abuse, and curb delinquency, crime, and gang involvement. Funding goes to schools, churches and social service organizations that provide academic enrichment programs, job-training, and recreational activities for teens.

Distribution of funds



DHS also increased funding for its Unified Delinquency Intervention Services (UDIS) program by $1.6 million. An alternative to confinement in the Illinois Department of Corrections, the Cook County program involves intensive supervision by private, not-for-profit service providers. The increased funding will help expand UDIS to other counties, and add capacity to existing providers. It also will give current providers "the opportunity to work more with court services, serve more kids, and improve services," said Anne Studzinski, DHS Bureau of Youth Services and Delinquency prevention chief.

Implementation of these preventative programs will be gradual. Getting results will also take time. But Nelson is optimistic that the new provisions and the adoption of a balanced and restorative justice model will improve juvenile programming in Illinois. "It's more than rhetoric," Nelson said. "There is actual strength behind it."■

Tracy Malecki is an intern with the Authority's Office of Public Information.

Delinquency prevention programs proven to work

Finding scientific evidence that programs prevent juvenile delinquency is one of the most important and challenging tasks of criminal justice researchers. Too often, program success is based on anecdotal information and political popularity instead of scientific evidence. Fortunately, in the past few years a great deal of progress has been made through rigorous program evaluation in identifying programs that work. Research efforts led by Lawrence Sherman, Mark Lipsey and the Center for the Study and Prevention of Violence at the University of Colorado have all used scientific criteria to identify programs that have shown to be effective in preventing juvenile delinquency.

What works

In 1996, the National Institute of Justice (NIJ) commissioned the University of Maryland at College Park to review the relevant scientific literature on prevention programs. The result of this review is a report, *Preventing Crime: What Works, What Doesn't, What's Promising*. The programs were classified by the setting in which they are implemented, such as family-based programs, school-based programs, and community-based programs. Some of the programs that work include:

For infants:

⇒ Frequent home visits by nurses and other professionals.

For preschoolers:

⇒ Classes with weekly home visits by preschool teachers.

For delinquent and at-risk preadolescents:

⇒ Family therapy and parent training.

For schools:

⇒ Organizational development for innovation in schools.
⇒ Communication and reinforcement of clear, consistent norms.
⇒ Teaching of social competency skills.
⇒ Coaching of high-risk youth in thinking skills.

Blueprints project

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded the "Blueprints Project," managed by the University of Colorado's Center for the Study and Prevention of Violence (CSPV). The goal of this project was to identify model programs that are effective in reducing delinquency and to assist communities in replicating these programs. CSPV reviewed over 400 delinquency prevention programs and, using scientific criteria, identified 10 "Blueprints of Violence Prevention" and 20 other promising programs. Programs selected as "Blueprint" programs included:

Big Brothers and Big Sisters of America

A mentoring program for youths ages 6 to 18 years.

Functional family therapy

A program designed to change communication, interaction, and problem-solving skills among youths and their families.

Multidimensional treatment foster care

A program offering treatment to chronic delinquent youths in supervised foster families.

Multisystemic therapy

A program for decreasing antisocial behavior by targeting the youth's environment.

Prenatal and infancy home visitation by nurses

A program that provides at-risk pregnant women with visits from nurses before birth and for the first two years after the birth of their first child.

Further reading

These research efforts have identified a wide variety of programs that are effective at reducing delinquency in a variety of settings. For more information on these programs see the following books and website:

Sherman, Lawrence, Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn Bushway. 1998. Preventing Crime: What Works, What Doesn't, What's Promising. Washington, D.C.: U. S. Department of Justice: Office of Justice Programs.

Lipsey, Mark and David B. Wilson. 1998. "Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research." Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions. Rolf Loeber and David P. Farrington (eds.). Los Angeles, Calif.: Sage Publications.

Lipsey, Mark. 1992. "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects." Meta-Analysis for Explanation. T.D. Cooper, H. Cooper, D.S Cordray, H. Hartman, L.V. Hedges, R.V. Light, T.A. Louis and F. Mostellar (eds.). Beverly Hills, Calif.: Sage Publications.

For more information on "Blueprints of Violence Prevention" visit their Web site at: www.colorado.edu/cspv/blueprints/.■

— Compiled by Research Analyst Phillip Stevenson

The council could play a major role in facilitating the cooperation of all the different government offices

and drug abuse are problems that cannot be solved by the juvenile courts. Community members must play an active role on our council if we are to be successful in preventing and reducing juvenile crime.

Ingemunson:

I am very excited at the prospect of the county juvenile justice councils. By and large, juvenile delinquency is a local government responsibility. These county councils have the capacity to coordinate local efforts in a way that has not happened up to this point. In my community, we try hard to work with young people and their families. The county council can help us use our current resources better, identify what's missing and become the rallying point for meeting the needs of our community and its young people.

Maher:

We are just starting to work on the juvenile justice council. I would think that the main purpose will be to coordinate the existing resources and to seek additional services and funding for these services. They may also serve as a community-based check on the system, which has generally been shrouded in secrecy and not open to any public review.

Clarke:

Hopefully all the county juvenile councils will be evenly balanced with membership from all segments of the juvenile court, including defense counsel and community groups. If not, the councils will lack legitimacy, which will detract from their planning efforts.

Assuming they are evenly balanced in membership, the county juvenile justice councils then need to develop a coordinated approach to planning efforts in order to avoid wasteful duplication of efforts. The state of Kansas has moved ahead of us on restorative justice, and they developed a Juvenile Justice Authority to provide technical assistance to local planning efforts and to assist with training efforts and evaluation and assessment of prevention programs. Some statewide technical assistance will be necessary to ensure that the county juvenile justice councils are able to take advantage of the latest research and are aware of all available funding sources.■

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