

To: Rodger Heaton, Chairman and Commissioners
Illinois Criminal Justice and Sentencing Reform Commission

From: Elizabeth Clarke, President
Juvenile Justice Initiative

Date: July 27, 2015

Re: Written testimony submission for public hearing on July 27, 2015

The Juvenile Justice Initiative (JJI) submits this written testimony to encourage the Commission to urge the use of juvenile diversion and sentencing options for young adults (people ages 18-21) as a means of reducing the prison population in Illinois.

JJI applauds the work the Commission has undertaken so far and its *Initial Report* issued on July 1, 2015. We especially commend the attention paid to the success of Adult and Juvenile Redeploy and the consideration of furthering the use of alternatives to incarceration, particularly the idea of employing the “least restrictive alternative standard” for adults. As you know, this standard has already been implemented for juveniles, with great success, due to the advocacy of JJI.

However, the Commission’s *Initial Report* lacks any mention of research or recommendations regarding young adults or the consideration of diversionary programs specifically geared towards this population, as separate from a discussion of diversion for adults in general. This omission runs counter to well-established brain research that shows the adolescent brain does not fully develop until age 25 and trends across the country and around the world that recognize the critical need to find alternatives to incarceration for this population so they can effectively transition to adulthood. These years should be spent pursuing education, job training or employment and an interruption of these years with incarceration, and/or a criminal record, can significantly derail a person’s ability to get back on track with their life. Particularly since research shows that criminal activity tapers off with age, typically in the early 20’s.

On March 9, 2015, JJI forwarded a copy of its report, *Young Adults in Conflict with the Law: Opportunities for Diversion*, individually to each Commissioner [a copy is attached with this testimony]. In that report, JJI looked at data from the Cook County Jail and found that a third of the young adult admissions to the jail in 2013 were for misdemeanor offenses – **that’s a total of 4,011 admissions in 2013 to the Cook County jail of young adults for misdemeanor offenses**. There were nearly 12,000 admissions of young adults to the jail in 2013, but most were for non-person offenses with half of the admissions for drug/property offenses. (See the report [here](#).) Our research found half of the young adults spent twelve nights or less, with a quarter being released within a day. The fact that the young adults do not stay long in jail, and the fact that research demonstrates people age out of criminal behavior in their early twenties, indicates diversion reforms could be particularly effective with this population.

Recently, the Mayor's Office of Criminal Justice in New York City and the John Jay College of Criminal Justice Research and Evaluation Center held a forum called *Catching up with Science: A Forum on Young Adults in the Criminal Justice System*. This four hour forum, that can be seen [here](#), discussed the science behind treating young adults in a similar fashion to juveniles and also some of the pilot programs underway in New York such as a program that identifies young people ages 16-19 incarcerated on felony cases, and releases them with an electronic monitoring device to determine if they are going to school, to work, etc. and also provides them with a smart phone that will link them to services and a counselor who helps make sure they show up for court, for work, etc. The District Attorney's office in New York came up with the idea for this program by visiting England to learn new ways of reducing their prison population. Key to the efforts in New York City is a component that involves clearing their criminal history (Project Reset).

JJI also believes in looking at international models for inspiration of what can be achieved in the U.S. to reduce our prison population. Our summit on young adults in February, 2015, included speakers Brent Cohen, from the U.S. Department of Justice, Dr. Debbie Pippard, Head of Programmes at the Barrow Cadbury Trust in London, England, and Professor Ralph Grunewald of the University of Wisconsin (and originally from Germany). Professor Grunewald shared that in Germany, after WWII, there was concern over a generation of young people who were fatherless. Acknowledging their lack of adult parental figures, and believing that young people will grow out of criminal behavior, the German government extended juvenile court for all young people up to age 21, and extended the possibility of juvenile treatment up to age 24. The result – individual treatment of young offenders up to their early twenties – was so successful that it remains in place today. No one below age 21 is tried in adult court, and the maximum sentence for any offense is 15 years. Youth facilities are “normalized” with extensive movement in and out of the community for school and work – more like our group homes than prisons. The results are clear – relying on individual treatment with use of humane facilities as a last resort results in lower recidivism, based on all the evidence that young people grow out of criminal behavior.

The Netherlands and the United Kingdom have taken note of Germany's success with young adults, and are modeling reforms after the German policies. In the U.K., a series of pilot programs have demonstrated similar success utilizing juvenile diversion and treatment programming for young adults. The U.K. pilots have been evaluated and the results are posted on the Transition to Adulthood website at <http://www.t2a.org.uk>.

Based on research and successful, evaluated, programs with young adults in Europe and pilot programs underway in New York, we urge the Commission to include in its recommendations to the governor the use of juvenile diversion and sentencing options, including community-based restorative justice, for young adults in conflict with the law. As this Commission has noted, the juvenile justice system has proven particularly effective in reducing the use of incarceration while expanding community alternatives and enhancing public safety. The juvenile diversion and sentencing options could prove equally effective for the young adult population.

Thank you for the opportunity to provide comments for your consideration. If you would like additional information, please contact me at (847) 864-1567.