

No. 115102

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Appellate Court of
)	of Illinois, First District,
)	No. 1-10-1573
Plaintiff-Appellant,)	
)	There heard on Appeal from the
v.)	Circuit Court of Cook County,
)	Criminal Division, No. 09C1455
)	
)	
RONALD PATTERSON,)	Honorable
)	Ellen Beth Mandeltort
Defendant-Appellee.)	Judge Presiding

PROOF OF SERVICE

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The undersigned certifies that an electronic copy of the Brief of *Amici Curiae* in the above-entitled cause was submitted to the Clerk of the above Court for filing on October 11, 2013. On that same date, we caused to be served three copies to the Attorney General of Illinois, three copies to the Cook County State's Attorneys' Office, and three copies to Defendant-Appellee's counsel in envelopes deposited in a U.S. mail box in Chicago, Illinois, with proper prepaid postage. The original and twelve copies of the Brief will be sent to the Clerk of the Court upon receipt of the electronically submitted filed stamped brief.

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BRIEF AND ARGUMENT OF *AMICI CURIAE* CHILDREN & FAMILY JUSTICE CENTER, JUVENILE LAW CENTER ET AL., IN SUPPORT OF DEFENDANT-APPELLEE

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POINTS AND AUTHORITIES

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IDENTITY AND INTEREST OF AMICI CURIAE

Amici Curiae, Children & Family Justice Center, Juvenile Law Center, *et al.*, work on behalf of children involved in the child welfare and juvenile and criminal justice systems.¹ *Amici* have a particular interest and expertise in the interplay between minors' constitutional rights and the social science and neuroscientific research on adolescent development, especially with regard to youth involved in the justice systems. *Amici* recognize, as does the United States Supreme Court, that juveniles are categorically different from adults and accordingly require categorically different treatment, including, among other things, evaluations that take into account both the hallmark features of youth and the individual characteristics and circumstances of the child at issue. *See, e.g., Roper v. Simmons*, 543 U.S. 551, 567 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *J.D.B. v. North Carolina*, ___ U.S. ___, 131 S.Ct. 2394 (2011); *and Miller v. Alabama*, ___ U.S. ___, 132 S.Ct. 2245 (2012). Consequently, criminal laws that fail to account for these differences are constitutionally infirm.

As child-centered policy, litigation and advocacy organizations that have studied juvenile and criminal courts and corrections systems for many years, *Amici* support the defendant-appellee's position that fifteen-year-old Ronald Patterson's automatic transfer under 705 ILCS 405/5-130 is

¹ A full list of amici and statements of interest are attached as Appendix A.

unconstitutional as a matter of Illinois and federal constitutional law.

Exclusion of a child who has reached the age of 15 from the jurisdiction of the juvenile court without any individualized assessment or consideration of that child by a judge – particularly the child’s lessened culpability and amenability to rehabilitation – cannot be squared with U.S. Supreme Court precedent, national corrective legislative actions, scientific research, policy statements, and related policy reforms from law enforcement, judicial and correctional entities. Not surprisingly, *Amici’s* national research also indicates that Illinois is an outlier on this score – one of just 14 states where, based on age and offense alone, children are prosecuted as adults without any type of individualized consideration of the child or the case at issue. Even fewer states endorse this system for the crime charged in the instant case. This Court must take action to correct this constitutionally infirm practice and, at a minimum, revest judges with the discretion to determine whether the individual charged should be prosecuted in juvenile or adult court.²

Amici urge this Court to realign Illinois law with the Supreme Court’s recent jurisprudence and, in so doing, reclaim Illinois’ proud history of leadership in recognizing that children are different and deserving of special consideration. *See People v. Miller*, 202 Ill.2d 328, 341 (2002) (recognizing

² On September 25, 2013, this Court granted leave to appeal in *People v. Pacheco*, No. 116402, and *People v. Jenkins*, No. 115979, which challenged the constitutionality of Illinois’ automatic transfer statute within the frame of, respectively, first degree murder via accountability and first degree murder with a mandatory firearm enhancement.

“the longstanding distinction made in this state between adult and juvenile offenders, a distinction underscored by the reality that our state was the first to create a court system dedicated exclusively to juveniles”). Ronald was 15-years old, with an IQ of 72, and this case represented his first significant contact with the police and the criminal justice system. *People v. Patterson*, 2012 IL App (1st) 101573, ¶¶19, 36. Illinois’ juvenile court system, and not the adult criminal system, is best equipped to assess a child such as Ronald, address his alleged wrongdoing, and provide him with the necessary resources consistent with our society’s goal of holding a child accountable for his actions while also recognizing his potential to change. At an absolute, constitutional minimum, Ronald should not have been denied a hearing before a judge charged with making an individualized determination as to whether Ronald should be prosecuted and sentenced in juvenile or criminal court.

ARGUMENT

I. Illinois is an Outlier – Perpetuating a System of Automatic Transfer That, Based on Age and Charge Alone Places a Child in Criminal Court, Denies Judges Any Opportunity to Make Individualized Determinations as to Whether Juvenile Court Jurisdiction Would be More Appropriate; In Light of the United States Supreme Court’s Recent Jurisprudence Regarding Children in Conflict with the Law, As Well As Shifts In State and National Policies Acknowledging The Differences Between Children and Adults, this Court Should Find Ronald Patterson’s Automatic Transfer Unconstitutional.

It is a biological fact that children are expected to develop, mature, and change. In recent years, the United States Supreme Court has given constitutional significance to this biological fact. Beginning with *Roper* in 2005, and with striking consistency, the Court has issued a series of watershed opinions delineating the primacy of children being constitutionally different. *See Roper v. Simmons*, 543 U.S. 551, 575 (2005) (holding that imposition of death penalty on minors violates Eighth Amendment); *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 2022 (2010) (ruling that imposition of life without possibility of parole for minors for non-homicide crimes violates Eighth Amendment); *J.D.B. v. North Carolina*, ___ U.S. ___, 131 S.Ct. 2394, 2406 (2011) (a child’s age is a “reality courts cannot simply ignore” in *Miranda’s* custody analysis); *Miller v. Alabama*, ___ U.S. ___, 132 S.Ct. 2245, 2470 (2012) (holding that mandatory sentence of life without possibility of parole for minors violates Eighth Amendment). The Court has clarified that “criminal procedure laws that fail to take defendants’ youthfulness into account at all would be flawed.” *Graham*, 130 S.Ct. at 2031. Now is the time

for this Court to apply the logic and holdings of these decisions to Illinois' automatic transfer scheme.

From the mid 1980's to the mid 1990's, due in large part to a "get tough on crime" mentality and a fear of the fictitious juvenile "super-predator," 44 states and the District of Columbia passed legislation expanding transfer of juveniles. Donna M. Bishop, *Juvenile Offenders in the Adult Criminal Justice System*, 27 CRIME & JUST. 81, 84 (2000); Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, JUVENILE JUSTICE BULLETIN (Office of Juvenile Justice and Delinquency Prevention), June 2010, at 1.³ *See also*, Human Rights Watch et al., *The Rest of Their Lives: Life Without Parole for Child Offenders in the United States*, 14 (October 2005) (documenting the expansion of laws that increased the types of offenses for which youth could be transferred to adult court and lowered the age at which youth could be eligible for transfer).⁴ In Illinois, the new laws also eliminated a judge's authority to exercise discretion in vast numbers of cases by requiring automatic transfer of certain youth based exclusively on their age and the type of offense charged. 705 ILCS 405/5-130 (West 2008). This Court last reviewed Illinois' automatic transfer laws during an era that long predates the watershed changes wrought by *Roper*, *Graham*, *J.D.B.*, and *Miller*. *See People v. J.S.*, 103 Ill.2d 395 (1984); *People v. M.A.*, 124 Ill.2d 135 (1988). This case provides this Court the opportunity to revisit its prior

³ Available at http://works.bepress.com/richard_redding/6.

⁴ Available at <http://www.hrw.org/reports/2005/10/11/rest-their-lives>.

decisions regarding juvenile transfer in light of the recent U.S. Supreme Court's jurisprudence. *See, e.g., Graham*, 130 S.Ct. at 2031.

Such reconsideration would not only realign Illinois law with Supreme Court jurisprudence, but also bring Illinois in line with the large majority of other states, where individualized, reviewable transfer schemes are the norm. *See Sara Alice Brown, National Conference of State Legislatures, Trends in Juvenile Justice State Legislation 2001 – 2011* (June 2012).⁵ Indeed, Illinois is one of only 14 states (plus the District of Columbia) that either through statutory exclusion and/or prosecutorial discretion create a transfer system that automatically sends certain juveniles directly and irrevocably into the adult court system. Patrick Griffin, et al, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, National Report Series Bulletin (OJJDP), September 2011.⁶ That number shrinks further – pushing Illinois even deeper into the constitutionally suspect minority – when one analyzes the analog of Ronald's charged offense of aggravated criminal sexual assault.⁷ As a state boasting the very first

⁵ Available at: <http://www.ncsl.org/documents/cj/TrendsInJuvenileJustice.pdf>.

⁶ The states with prosecutorial discretion and/or statutory exclusion and no reverse waiver (where a defendant can petition to return a case to juvenile court) available: Alabama, Alaska, Washington D.C., Florida, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, New Mexico, South Carolina, Utah, and Washington. Griffin at 3; Ala.Code §12-15-204; Alaska Stat. §47.12.100; D.C. Code §§16-2301, 2307; Fla. Stat. Ann. §985.557; Idaho Code §§20-508, 20-509; Ill. 705 ILCS 405/5-130; Ind. Code Ann. §31-30-1-4; La. Child. Code Ann., Art. 305; Mass. Gen. Laws, ch. 119, §74; Mich. Comp. Laws Ann. §712A.2(a); Minn. Stat. Ann. §§ 260B.007, subd. 6(b), 260B.101, subd. 2; N.M. Stat. Ann. §32A-2-3; S.C. Code Ann. §§63-19-20, 63-19-1210; Utah C.A. §§78A-6-701, 702; and Wash. Rev. Code Ann. §13-40-110.

⁷ Alabama, Massachusetts, Minnesota, and Utah do not require automatic transfer when a

juvenile court system, once on the forefront of recognizing children's diminished culpability and greater rehabilitative potential, Illinois now finds itself a national and international outlier, endorsing an automatic transfer scheme which does not account for (or even allow consideration of) the characteristics inherent in youth. This must change.

It is of little surprise, then, that Illinois' appellate judges have begun to recognize, "While there are juvenile offenders who may, based on the totality of the circumstances, be eligible for adult prosecution, an automatic transfer provision based on age and offense alone, without consideration of the wide variance in the maturity, sophistication, intelligence, and social adjustment of any particular juvenile offender, cannot pass constitutional muster." *People v. Pacheco*, 2013 IL App (4th) 110409, ¶98 (J. Appleton dissenting); see *People v. Willis*, 2013 IL App (1st) 110233, ¶54 (recognizing the logic of Justice Appleton's dissent in *Pacheco*). These justices are right to be concerned; transfer under §5-130 is deeply flawed by disallowing any type of individualized consideration of the hallmark attributes of youth in determining whether prosecution in adult court would be appropriate. *Graham*, 130 S.Ct. at 2031.

Moreover, recent polling demonstrates that the public overwhelmingly opposes automatically trying youth as adults in favor of judges taking a case-

youth is charged with an analog to aggravated criminal sexual assault. Compare Ala. Code §§13A-6-66, 12-15-204; Mass. Gen. Laws Ann. Ch. 119, §74; Minn. Stat. Ann. §§609.055, 260B.125; Utah C.A. §78A-6-702.

by-case approach that takes into account individual facts and circumstances. GBA Strategies, *Campaign for Youth Justice Youth Justice System Survey* (October 11, 2011).⁸ This measured approach to transfer finds support among various national and state-based organizations and policymakers as well. A number of these organizations have individual position statements opposing the automatic application of adult criminal court jurisdiction for youth under the age of eighteen:

- **The National Council of Juvenile and Family Court Judges** affirms “that waiver and transfer decisions should only be made on an individual, case-by-case basis, and not on the basis of the statute allegedly violated; and affirms that the decision should be made by the juvenile delinquency court judge. ...that juvenile delinquency court jurisdiction should be in effect until a youth’s 18th birthday.... that waiver and transfer of juveniles to adult court should be rare and only after a thorough considered process.” National Council of Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention, *JUVENILE DELINQUENCY GUIDELINES: IMPROVING COURT PRACTICE IN JUVENILE DELINQUENCY CASES*, Chapter V: Motions to Waive Jurisdiction and Transfer to Criminal Court (2005) at 102.⁹

⁸ Available at http://www.campaignforyouthjustice.org/documents/FR_GBA_Poll_1011.pdf

⁹ Available at [http://www.ncjfcj.org/sites/default/files/juveniledelinquencyguidelinescompressed\[1\].pdf](http://www.ncjfcj.org/sites/default/files/juveniledelinquencyguidelinescompressed[1].pdf).

- **The American Bar Association (ABA)**, since releasing its Juvenile Justice Standards in collaboration with the Institute of Judicial Administration in 1980, has likewise recognized that children should not be automatically transferred to adult court and subject to mandatory sentencing schemes. The Standards provide that “[n]o child under fifteen should be transferred to adult court and that no youths aged fifteen, sixteen, or seventeen should be transferred except by a juvenile court judge after a hearing.” IJA-ABA Juvenile Justice Standards Relating to Transfer Between Courts, Standard 1.1 (1980).¹⁰ Furthermore, in a Resolution adopted in 2002, the ABA urged judges to “consider the individual characteristics of the youth during sentencing; and. . . [t]hat the ABA opposes, in principle, the trend toward processing more and younger youth as adults in the criminal justice system.” ABA Standards 101(D) (Criminal Justice, Litigation) Approved as submitted (2002).¹¹
- **The U.S. Attorney General’s National Task Force on Children Exposed to Violence** recommended that:
[w]henever possible, prosecute young offenders in the

¹⁰ Available at http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/JJ_Standards_Transfer_Between_Courts.authcheckdam.pdf.

¹¹ Available at <http://www.campaignforyouthjustice.org/documents/ABA%20%20Resolution%20on%20Youth%20in%20the%20Criminal%20Justice%20System%20101D.pdf>.

juvenile justice system instead of transferring their cases to adult courts. No juvenile offender should be viewed or treated as an adult. Laws and regulations prosecuting them as adults in adult courts, incarcerating them as adults, and sentencing them to harsh punishments that ignore and diminish their capacity to grow must be replaced or abandoned.

Office of Juvenile Justice and Delinquency Prevention, *Report of the Attorney General's National Task Force on Children Exposed to Violence* (December 12, 2012).¹²

- **The Council of Juvenile Correctional Administrators** supports this view and finds that the juvenile system is the most appropriate place to hold youth accountable and where they can receive effective treatment and rehabilitation. Council of Juvenile Correction Administrators, *Position Statement: Waiver and Transfer of Youths to the Adult System* (Oct. 2, 2009).¹³
- **The National Association of Counties** found that:

research confirms that the portion of the brain that controls and suppresses impulses, and is critical to good judgment and decision-making, is not fully developed in youth under age 18. Youth have difficulty thinking of consequences under stress and managing powerful impulses without adult help. Therefore, they should not be viewed as acting with the level of moral culpability that characterizes adult criminal conduct.... In light of these facts, NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender, and then only at the discretion of a juvenile court judge.

¹² Available at <http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

¹³ Available at <http://cjca.net/index.php/component/content/article?id=65:a-collection-of-position-papers-covering-a-range-of-issues-critical-to-cjca-and-its-programs>.

National Association of Counties, *Policies: Justice and Public Safety*.¹⁴

Other organizations have adopted similar principles:

- **National Association of Criminal Defense Lawyers**, *Resolution of the Board of Directors Opposing the Transfer of Children to Adult Court* (November 2002) (supporting legislation that prohibits automatic and/or non-judicial transfer);¹⁵
- **American Humane Association** Child Protection Position Statements (2009) at 18 (stating that children under age 18 should not be prosecuted as adults);¹⁶
- **NAACP** Resolution: Opposition to Transfer of Youth to the Adult Criminal Justice System (July 2008) (opposing policies, statutes, or laws that increase the number of youth transferred to the adult criminal system).¹⁷
- **The Campaign for Youth Justice**, a national advocacy group dedicated to ending the practice of trying, sentencing and incarcerating youth under eighteen in the criminal system, adopted a National Resolution with the support of more than 200 national or state-based organizations, including correctional organizations,

¹⁴Available at <http://www.naco.org/legislation/policies/Documents/Justice%20and%20Public%20Safety/JPS12-13.pdf>.

¹⁵ Available at <http://www.nacdl.org/About.aspx?id=19903>

¹⁶ Available at <http://www.americanhumane.org/assets/pdfs/about/position-statements/children-position.pdf>

¹⁷Available at http://naacp.3cdn.net/62f96d3cfb942054cd_6dm6ivue4.pdf

professional associations, policy organizations, faith-based organizations, mental health associations, and human rights organizations. *See full list at Appendix B.* The Resolution states, *inter alia*, that “...the use of statutes or procedures that automatically exclude youth from the juvenile court without an assessment of individual circumstances by an impartial judge denies youth basic fairness” and as a consequence “youth may receive extremely long mandatory minimum sentences and deserve an opportunity to demonstrate their potential to grow and change.” Campaign for Youth Justice, *Natl. Resolution on Trying and Sentencing Youth as Adults*.¹⁸

- **The American Academy of Pediatrics** recommends that:

[t]ransfer to adult court should not be automatic or a presumption in the handling of juvenile cases. While further study is necessary, current research indicates that automatic transfer does not achieve the desired goals and may be potentially harmful to the community and the involved youth. Any transfer to criminal court should consider the individual case and the community, and not be based solely on the type of offense.

American Academy of Child and Adolescent Psychiatry Committee on Juvenile Justice Reform, Eds. Louis J. Kraus, M.D. & William Arroyo, M.D., *Recommendations For Juvenile Justice Reform Second Edition* (October 2005).¹⁹

¹⁸ Available at <http://www.campaignforyouthjustice.org/national-resolution.html>

¹⁹ Available at

- **The Association of Black Psychologists, Inc.** calls into question the use of automatic waiver on developmentally immature youth. Association of Black Psychologists, Inc., *Justice for All; Not Just Us: African American Youth and the Criminal Justice System*.²⁰ Ronald's case fits squarely within that rubric as a 15-year-old ward of the state, with an IQ of 72. (C. 135, 140, 142).
- **The Parent Teacher Association** calls for the prohibition of youth being tried in the adult criminal system. Parent Teacher Association, *Position Statement: Child Safety and Protection* (asking for a prohibition on transfer without opportunity for a hearing or appeal);²¹
- **United States Conference of Catholic Bishops**, similarly call for an end to transfer practices. *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (Nov. 2000) (opposing policies that treat young offenders as adults).²²
- The **Evangelical Lutheran Church of America** adopted its Social Statement on Criminal Justice which announced that the, "church supports an end to current practices of trying, sentencing, and

<http://www.campaignforyouthjustice.org/documents/natlres/AACAP%20Recommendations%20for%20Juvenile%20Justice%20Reform.pdf>

²⁰ Available at <http://www.abpsi.org/pdf/juvenilejustice.pdf>

²¹ Available at <http://www.pta.org/about/content.cfm?ItemNumber=986>

²² Available at <http://old.usccb.org/sdwp/criminal.shtml#introduction>

incarcerating youth in the adult criminal justice system...”²³

A child’s right to be treated as a child cannot be forfeited solely based on the crime charged. *See, e.g., Willis*, ¶56 (“The right for a child to be treated as one is a basic tenet of a just society”). The principles elucidated by the U.S. Supreme Court in *Roper* and its progeny have not been dependent on the actions taken by the minor; were that the case, the Court would not have created bright line, categorical rules. The fact that most state laws excluding youth from juvenile court require some individualized determination prior to the transfer, combined with the widespread denunciation of automatic transfer by hundreds of organizations, show that Illinois’ outlier status must change. While the purpose of Illinois’ juvenile court has shifted over time and has admittedly conformed to legislative policies that address more punitive objectives, it has maintained its dual corrective and rehabilitative purpose, striving to hold a child accountable for his actions while also recognizing his potential to change. Individuals such as Ronald should not be categorically excluded from a court system possibly better suited to redress the harm that occurred and address the rehabilitative potential of the alleged offender. This Court should vacate Ronald’s automatic transfer to adult court and remand his case for a juvenile adjudication hearing, or, at a minimum, a hearing on the advisability and utility of trying him within the juvenile court system.

²³ Available at <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/Criminal-Justice.aspx>.

II. Illinois' Automatic Transfer/Mandatory Sentencing Scheme Is Unconstitutional As Applied To Youth Charged With Sexual Offenses Because It Requires Mandatory Sentences And Public Sex Offender Registration Without An Individualized Determination of The Youth's Culpability And Capacity For Rehabilitation.

The United States Supreme Court has recognized that, first, youth are categorically less culpable than adults and, second, individual youth mature at dissimilar rates such that there are differences in the degree of culpability among youth charged with crimes. *See Graham v. Florida*, __ U.S. __, 130 S. Ct. 2011, 2026 (2010) (citing *Roper v. Simmons*, 543 U.S. 551, 573, 569 (2005)); *Thompson v. Oklahoma*, 487 U.S. 815, 835 (1988) (plurality opinion) (noting a distinction between “the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption”) (citation omitted). Thus, the Court has held that “[a]n offender’s age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants’ youthfulness into account at all would be flawed.” *Graham*, 130 S.Ct. at 2031. Moreover, the Court consistently has found that youth have “greater prospects for reform” than adults, *Miller v. Alabama*, __ U.S. __, 132 S.Ct. 2455, 2458 (2012); the “signature qualities of youth are transient; as individuals mature, the impetuosity and recklessness that may dominate in younger years can subside.” *Roper*, 543 U.S. at 553 (citation omitted).

Pursuant to Illinois’ transfer statute, youth charged with certain offenses are automatically excluded from juvenile court jurisdiction. 705

ILCS 405/5-130(1)(c)(i) (West 2008). Upon conviction, these youth are subject to the same sentencing laws as adults, including the imposition of mandatory minimum and mandatory consecutive sentences. 720 ILCS 5/12-14(d)(2) (West 2008). Defendant-appellee Ronald Patterson persuasively argues that Illinois's automatic transfer/mandatory sentencing scheme is unconstitutional because it does not allow for an individualized sentencing determination and "denie[s] the juvenile offender a chance to demonstrate growth and maturity." *Graham*, 130 S.Ct. at 2029.

Amici further contend that Illinois's automatic transfer/mandatory sentencing scheme is particularly problematic when applied to youth, such as Ronald, who are charged with sexual offenses. Research confirms significant differences between juvenile versus adult sexual offenders. As explained in detail in Part II.A *infra*, youth who sexually offend have much lower recidivism rates than adults who commit the same offenses and are more receptive to treatment and rehabilitation. United State Supreme Court jurisprudence teaches that Illinois's statutory scheme is constitutionally defective precisely because it prohibits an individualized determination of these factors before a youth is sentenced in adult court. Moreover, youth such as Ronald who are convicted in adult court of *sexual* offenses are subject to additional consequences not imposed on youth subject to Illinois's automatic transfer statute for *non-sexual* offenses. Specifically, as described in Part II.B *infra*, these youth must register on a *public* sexual offender registry and,

consequently, are deprived of important protections provided to youth who register on a *non-public* registry after being adjudicated delinquent in juvenile court for sexual offenses. Juveniles who are convicted in adult court face lifetime registration on a public registry without any individualized determination of their chances for recidivism and capacity for rehabilitation. Again, *Amici* argue that this violates the constitutional mandate of individualized treatment of youth charged with crimes.

A. Courts Must Treat Youth Who Sexually Offend Differently Than Their Adult Counterparts Because Research Demonstrates that Youth Recidivate at Much Lower Rates and Have a Greater Capacity for Reform

Numerous published studies evaluate the recidivism rates of youth who sexually offend. Michael Caldwell, et al., *Study Characteristics & Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 197, 198 (2010) (citing to recidivism studies dating back to 1994). These studies consistently produce the same finding: sexual offender recidivism rates for youth are low. *Id.* A meta-study of more than 63 studies and more than 11,200 children found an average sexual recidivism rate of 7.09% over an average five-year follow-up period. *Id.* at 197. Thus, the juvenile rate of reoffending is about one-half of that of adult offenders, who have a 13% recidivism rate. R. Karl Hanson and Monique T. Bussiere, *Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies*, 66 J. OF CONSULTING & CLIN. PSYCH. 348 (1998).

Moreover, the data shows that very few adolescents who commit sexual

crimes will become sexually deviant as adults. *A Multi-State Recidivism Study Using Static-99R & Static-2002 Risk Scores & Tier Guidelines from the Adam Walsh Act*, NATIONAL INSTITUTE OF JUST. 24 (hereinafter “Multi-State Recidivism Study”).²⁴ As a group, juvenile sex offenders have been found to pose a relatively low risk to sexually re-offend, particularly as they age into young adulthood. *Id.*; See Elizabeth Letourneau, et al., *Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20 CRIM. JUST. POLICY REVIEW 136, 142, 149 (2009) (concluding that age is “negatively associated with relative risk of recidivism,” and that the registry itself does not deter recidivism); Elizabeth Letourneau, et al., *Do Sex Offender Registration & Notification Requirements Deter Juvenile Sex Crimes?*, 37 CRIM. JUST. & BEHAV. 553, 565 (2010) (confirming the 2009 study). When rare sexual recidivism events do occur, it is usually within the first few years following the youth’s original offense. Letourneau, 20 CRIM. JUST. POLICY REVIEW at 142, 147-49; Letourneau, 37 CRIM. JUST. & BEHAV. at 565.

Indeed, youth who sexually offend are nothing like adult sex offenders. The evidence demonstrates that juvenile sex offenders represent a very different population from adult sex offenders. Elizabeth Letourneau & Michael Miner, *Juvenile Sex Offenders: A Case Against the Legal & Clinical Status Quo*. Sexual Abuse: 17 J. RES. & TREATMENT 293, 296 (2005) (explaining how juvenile sex offenders are more similar juvenile non-

²⁴ Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/240099.pdf>

offenders than they are to adult sex offenders). As noted above, children who offend sexually have much lower rates of sexual recidivism than adults.

Compare Hanson, 66 J. OF CONSULTING & CLIN. PSYCH. at 348-62 (setting forth the adult offender recidivism rate of about 13%) *with* Caldwell, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY at 198 (concluding that the child offender recidivism rate is about 7%). The lower recidivism rate is in large part attributable to the fact that impulse control tends to improve with maturation and youth are more amenable to treatment. Judith Becker & Scotia Hicks, *Juvenile Sexual Offenders: Characteristics, Interventions, & Policy Issues*, 989 ANN. NY ACAD. SCI. 397, 399-400, 406 (2003).

Simply put, the recidivism rate is lower for children than for adults because children are different. *Id.* at 406; Michael Caldwell, *What We Do Not Know About Juvenile Sexual Re-offense Risk*, 7 CHILD MALTREATMENT 291 (2002). Multiple studies have confirmed that juveniles sexually offend for different reasons than adults. Affidavit of Elena del Busto at Exhibit I, ¶13, Brief of Juvenile Law Center, *In the Interest of Three Minors*, Nos. J1085-08, J162-2008, J664-2011, May 22, 2013 (Court of Common Pleas, Lancaster County, Pennsylvania, Juvenile Division) (hereinafter "Aff. Del Busto").²⁵ It is rare for juvenile sexual offenders' motivations to be of the sexual nature as seen in adults. *Id.* Juveniles tend to offend based on impulsivity and sexual curiosity, to name a few a factors. Becker, 989 ANN. NY ACAD. SCI. at 406;

²⁵ Available at <http://jlc.org/legal-docket/lancaster-county-sorna-challenge>

Caldwell, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY at 205. As youth mature, gain a better understanding of sexuality, and experience decreased impulsivity, most of these behaviors stop. Caldwell, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY at 205. Of the population of adolescents who experiment with sexual deviance, only a small fraction will maintain sexually deviant behavior in adulthood. Aff. del Busto, Exhibit I, ¶13.

Importantly, sexual recidivism among youth cannot be predicted by the offense. Research has not identified any stable, offense-based risk factors that, on their own, reliably predict sexual recidivism in adolescents. Ashley Batastini, et al. *Federal Standards for Community Registration of Juvenile Sex Offenders: An Evaluation of Risk Prediction & Future Implications*, 17 PSYCHOL. PUB. POL'Y & L. 3, 451, 457-58 (2011) (describing the heterogeneous behaviors of child sex offenders). In a study that compared the sexual recidivism rates of children assigned to three groups according to the severity of their offense, there was no significant difference in the recidivism rates of juvenile offenders in each of the three groups. Affidavit of Elizabeth Letourneau, Exhibit H, ¶C1(iii) & Affidavit of Michael Caldwell at Exhibit J, ¶3(F-G), Brief of Juvenile Law Center, *In the Interest of Three Minors*, Nos. J1085-08, J162-2008, J664-2011, May 22, 2013 (Court of Common Pleas, Lancaster County, Pennsylvania, Juvenile Division).²⁶ As discussed *supra*,

²⁶ Available at <http://jlc.org/legal-docket/lancaster-county-sorna-challenge>

when rare sexual recidivism events do occur, it is nearly always within the first few years following the original adjudication. Letourneau, 20 CRIM. JUST. POLICY REVIEW at 142, 147-49; Letourneau, 37 CRIM. JUST. & BEHAV. at 565. Youth initially evaluated as “high risk” are unlikely to reoffend, particularly if they remain free of offending within the relatively brief period of time following initial adjudication. Letourneau, 20 CRIM. JUST. POLICY REVIEW at 148. Thus, the short period of time following the initial offense is critical for treatment interventions and most indicative of a child’s likelihood for reoffending.

In this case, Ronald shows the capacity for rehabilitation and maturation. His past traumatic history and mental health disorders,²⁷ which may have played a significant role in his alleged criminal conduct, are dynamic, highly treatable conditions. Indeed, prior to trial, while Ronald was detained in a juvenile detention center, he began taking his medication and his doctor reported that Ronald experienced growth and improvement. (C. 147). The doctor also stated that Ronald’s “willingness to acknowledge and cope with his emotions has drastically improved.” (C. 147). His

²⁷ Ronald’s mother was a crack cocaine addict, and when Ronald was 18 months old, he and his siblings were removed from their home by the Department of Children and Family Services (DCFS). (C. 138-39). Ronald was exposed to crack prenatally and tested positive for cocaine at birth. (C. 139, 142, 190). He has been diagnosed with various psychiatric conditions including depression, attention deficit hyperactivity disorder, and bipolar disorder. (C. 141-47). In 2006, Ronald scored a 72 on an IQ test, and he was reading at a second or third grade level. (C. 142).

counselor at the juvenile detention center noted that Ronald suffered “a great deal of pain and loss in his early childhood,” but is “a young man with considerable potential for growth and development.” (C. 150). Moreover, Ronald had no criminal history prior to this case. *People v. Patterson*, 2012 IL App (1st) 101573, ¶¶19, 36. These factors indicate that he is amenable to treatment and rehabilitation. Illinois’s automatic transfer/mandatory sentencing scheme is constitutionally infirm because it does not allow a court to consider these factors before subjecting youth such as Ronald to adult prosecution and the same mandatory sentences that are imposed on adults.

B. Required registration on the public sexual offender registry, as contrasted to the non-public registry, violates the constitutional mandate of individualized treatment of youth charged with crimes.

As described *supra*, youth who are automatically transferred to adult court are subject to the same mandatory sentencing statutes as adults upon conviction for *any* crime. Youth such as Ronald who are convicted in adult court of *sexual offenses* are subject to an additional consequence: they must register on a public sexual offender registry. Youth on the *public* registry in Illinois are deprived of critical protections that are provided to youth on the *non-public* sexual offender registry, i.e., those youth adjudicated delinquent in juvenile court for certain sexual crimes. Thus, convicted youth such as Ronald are required to register on a public registry that exposes them to negative consequences, in addition to their mandatory sentences, without any individualized determination by a court of their capacity for change and

rehabilitation.

Pursuant to Illinois statute, personally identifying information about youth on the public registry is much more widely available and disseminated to the public as compared to data about youth on the nonpublic registry. Specifically, under the general community notification requirements, numerous agencies must be informed about the identity of youth on the public registry. 730 ILCS 152/120(a), (a-1), (a-2), (a-3), and (a-4). Entities that must receive notice of youth on the adult registry include school boards, libraries, public housing agencies, and social service agencies in counties where the youth is required to register or is employed. *Id.* The Illinois Department of State Police also must make sex offender registry information available on the internet. 730 ILCS 152/115(b). Moreover, the State Police and other law enforcement agencies are permitted to disclose information “to any person likely to encounter a sex offender, or sexual predator.” 730 ILCS 152/120(b). Under this provision, law enforcement may disclose the offense for which the youth was convicted, the youth’s photograph, and the youth’s employment information. *Id.* Thus, law enforcement agencies have great latitude to disclose sensitive information about youth on the public registry to the public.

By contrast, the Illinois statute governing community notification regarding juveniles who are adjudicated delinquent in juvenile court for sex offenses permits disclosure to a much more limited universe of entities and

individuals. Specifically, the law restricts notification about a youth to persons whose safety may be compromised for some reason relating to the juvenile, and the principal/chief administrative officer and designated guidance counselor at the school in which the juvenile is enrolled. 730 ILCS 152/121. This court has held that this statute “strictly limits the availability of information with regard to juvenile sex offenders” and that “[i]nformation concerning juvenile sex offenders is not available over the Internet.” *In re J.W.*, 204 Ill.2d 50, 71-72 (2003). The “extremely limited dissemination of information concerning juvenile sex offenders,” stands in stark contrast to the widespread availability of identifying information of youth convicted in adult court. *J.W.*, 204 Ill.2d at 72.

In addition, youth who are convicted in adult court for sexual offenses *never* have the opportunity to request removal from the public registry. They are subject to lifetime registration. By comparison, a youth adjudicated delinquent in juvenile court for a sexual offense may petition for termination from the sexual offender registry after a certain time period. 730 ILCS 150/3-5. Specifically, a minor adjudicated delinquent for an offense which, if charged as an adult, would be a felony, may petition a court in five years for removal from the registry; for a misdemeanor, the youth may make the request in two years. 730 ILCS 150/3-5(c). The court may terminate the registration requirement if, upon a hearing on the petition, the court finds by a preponderance of the evidence that the youth poses no risk to the

community. 730 ILCS 150/3-5(d). Thus, the youth has the opportunity to present, and the court will consider, evidence on a number of factors including the youth's age at the time of the offense, an assessment by a professional evaluator of the youth's current level of risk for reoffending, information about the youth's rehabilitation and progress, and other relevant data about the youth's mental, physical, educational, and social history and status. 730 ILCS 150/3-5(e). Consequently, a youth on the non-public registry "has a chance to demonstrate growth and maturity," *Graham*, 130 S.Ct. at 2029, while a youth on the public registry is forever denied this opportunity.

Lifetime registration and widespread public dissemination of information about offending behavior causes irreparable harm to youth who are required to register, particularly as they struggle to transition to adulthood and overcome their criminal histories. HUMAN RIGHTS WATCH, *RAISED ON THE REGISTRY: THE IRREPARABLE HARM OF PLACING CHILDREN ON SEX OFFENDER REGISTRIES IN THE U.S.* 4-5 (May 2013). Sexual offender registration and notification laws impose substantial, secondary affirmative disabilities and restraints on youth. These laws directly impact a youth's ability to travel and move out of state, his social and psychological well-being, the likelihood he or she will be subject to violence, and his or her ability to find housing, employment, and schooling. *Id.* at 47-75. Many youth encounter obstacles to obtaining education or employment; they lose jobs or

are kicked out of school once their registration status becomes known. *Id.* at 71-73. Children also suffer homelessness, and families are divided, because of residency restrictions placed on them. *Id.* at 65. Federal law permanently bars lifetime registered sexual offenders from admission to public housing. 42 U.S.C. §13663(a). Thus, the fact that youth such as Ronald will never have the opportunity to petition from removal from the registry, because they must be tried and sentenced as adults pursuant to Illinois statute, imposes a significant disability on them. That they will experience these serious consequences without an individualized determination of culpability or potential for rehabilitation is unconstitutional.

CONCLUSION

As outlined above, *Amici Curiae* support Defendant-Appellee and respectfully request that this Court reverse Ronald Patterson's conviction and sentence and remand this matter for a new trial under the Juvenile Court Act because Ronald's automatic transfer to adult criminal court violates the principles articulated by the U.S. Supreme Court in *Roper* and its progeny, and because juvenile court is the most appropriate court in which to hold the proceedings in this case. Alternatively, *amici* respectfully suggest that the conviction and sentence be vacated and the matter be remanded to juvenile court for an individualized determination as to whether Ronald should be prosecuted and sentenced in juvenile or adult court.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Scott F. Main, certify that this brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this brief, excluding pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 27 pages.

/s/ Scott F. Main

SCOTT F. MAIN
Amicus Counsel

APPENDIX TO THE BRIEF

Identity of Amici and Statements of Interest A-1
Signatories to Campaign for Youth Justice National Resolution..... A-3

IDENTITY OF *AMICI* AND STATEMENTS OF INTEREST

The **Children and Family Justice Center** (CFJC), part of Northwestern University Law School's Bluhm Legal Clinic, was established in 1992 as a legal service provider for children, youth and families, as well as a research and policy center. Currently clinical staff at the CFJC provide advocacy on policy issues affecting children in the legal system, and legal representation for children, including in the areas of juvenile delinquency, criminal justice, special education, school suspension and expulsion, and immigration and political asylum. In its 21-year history, the CFJC has served as *amici* in numerous state and United States Supreme Court cases based on its expertise in the representation of children in the legal system.

The **Civitas ChildLaw Clinic** is a program of the Loyola University Chicago School of Law, whose mission is to prepare law students and lawyers to be ethical and effective advocates for children and promote justice for children through interdisciplinary teaching, scholarship and service. Through its Child and Family Law Clinic, the ChildLaw Center also routinely provides representation to child clients in juvenile delinquency, domestic relations, child protection, and other types of cases involving children. The ChildLaw Center maintains a particular interest in the rules and procedures regulating the legal and governmental institutions responsible for addressing the needs and interests of court-involved youth.

Juvenile Justice Initiative (JJI) of Illinois is a non-profit, non-partisan, inclusive statewide coalition of state and local organizations, advocacy groups, legal educators, practitioners, community service providers and child advocates supported by private donations from foundations, individuals and legal firm. JJI as a coalition establishes or joins broad-based collaborations developed around specific initiatives to act together to achieve concrete improvements and lasting changes for youth in the justice system, consistent with the JJI mission statement. Our mission is to transform the juvenile justice system in Illinois by reducing reliance on confinement, enhancing fairness for all youth, and developing a comprehensive continuum of community-based resources throughout the state. Our collaborations work in concert with other organizations, advocacy groups, concerned individuals and state and local government entities throughout Illinois to ensure that fairness and competency development are public and private priorities for youth in the justice system.

Founded in 1975 to advance the rights and well-being of children in jeopardy, **Juvenile Law Center** (JLC) is the oldest multi-issue public interest law firm for children in the United States. JLC pays particular attention to the needs of children who come within the purview of public agencies – for example, abused or neglected children placed in foster homes, delinquent youth sent to residential placement facilities or adult prisons, and children in placement with specialized service needs.

JLC works to ensure that children are treated fairly by the systems that are supposed to help them, and that children receive the treatment and services that these systems are supposed to provide. JLC also works to ensure that children's rights to due process are protected at all stages of juvenile court proceedings, from arrest through appeal, and that the juvenile and adult criminal justice systems consider the unique developmental differences between youth and adults in enforcing these rights.

The **Uptown People's Law Center** (UPLC) was founded in 1975 by former coal miners and their widows in an effort to secure black lung benefits for disabled coal miners. In 1978, UPLC was incorporated as an Illinois not-for-profit and obtained federal 501(c)(3) status. The mission of the Uptown People's Law Center is to establish, administer, and promote programs providing legal aid to indigent persons, assisting community residents in obtaining legal services and benefits, and educating and training residents, paraprofessionals and volunteer attorneys. Its lawyers and support staff, the majority of whom have been working with the Law Center for decades, have developed formidable expertise in the areas of housing law, aid to the disabled, public benefits, and prison reform. UPLC has litigated dozens of civil rights cases, including disability rights, and actions brought by prisoners in both federal and state courts. UPLC has been a leading voice in Illinois for prisoner civil rights for over thirty years. It actively represents prisoners in both federal and state courts throughout Illinois, in both class action matters as well as individual cases. The cases currently being litigated by the Law Center include denial of adequate medical care, excessive force, denial of religious rights, discrimination, access to the courts, due process, and cruel and unusual punishment. UPLC also engages in regular outreach to young people in the community in an attempt to prevent them from becoming involved in the criminal justice system.

NATIONAL RESOLUTION OPPOSING THE TRYING AND SENTENCING OF YOUTH AS ADULTS

WHEREAS the historical role of the juvenile court system is to rehabilitate and treat youthful offenders while holding them accountable and maintaining public safety and is therefore better equipped to work with youth than the adult criminal justice system;

WHEREAS youth are developmentally different from adults and these differences have been documented by research on the adolescent brain and acknowledged by many state laws that prohibit youth under age 18 from taking on major adult responsibilities such as voting, jury duty, and military service;

WHEREAS an estimated 200,000 youth are tried, sentenced, or incarcerated as adults every year in the United States and most of the youth are prosecuted for nonviolent offenses;

WHEREAS most laws allowing the prosecuting of youth as adults were enacted prior to research evidence by the Centers for Disease Control and Prevention and the Office of Juvenile Justice and Delinquency Prevention demonstrating that youth prosecuted in adult court are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile system;

WHEREAS youth of color receive more punitive treatment than white youth for the same offenses at all stages in the justice system and the point of greatest disparities is often the decision to transfer a youth to the adult system;

WHEREAS the use of statutes or procedures that automatically exclude youth from the juvenile court without an assessment of individual circumstances by an impartial judge denies youth basic fairness;

WHEREAS it is harmful to public safety and to young offenders to confine youth in adult jails or prisons where they are significantly more likely to be sexually assaulted, physically assaulted, and upon release, more likely to reoffend than youth housed in juvenile facilities;

WHEREAS youth detained or incarcerated in the adult criminal justice system should be housed in juvenile facilities which have been successful at rehabilitating youth;

WHEREAS most incarcerated youth show symptoms of mental health problems, studies show juveniles in adult facilities may manifest some of the most substantial mental health treatment needs among all juveniles involved in the justice system;

WHEREAS youth sentenced as adults receive an adult criminal record which is a barrier to further education or employment and the collateral consequences normally applied in the adult justice system should not automatically apply to youth arrested for crimes before the age of 18;

WHEREAS youth may receive extremely long mandatory minimum sentences and deserve an opportunity to demonstrate their potential to grow and change;

WHEREAS the monetary value of saving a high-risk youth from a life of crime is estimated to range between \$2.6 and \$4.4 million for each child¹ and moving youth from the adult criminal justice system to the juvenile justice system is cost-effective;

BE IT RESOLVED that _____ supports the reform of laws, policies, and practices that will reduce the number of youth sent to adult criminal court, remove young offenders from adult jails and prisons, ensure youth sentences account for their developmental differences from adults, and enable youth to return to their families and society without compromising community safety.

¹Mark Cohen paper: <http://www.youthbuild.org/atf/cf/%7B22B5F680-2AF9-4ED2-B948-40C4B32E6198%7D/Generic%20Report%20on%20Monetary%20Savings%20-%20Final.pdf>

National Organization Supporters as of July 15th, 2013

Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry
American Academy of Pediatrics
American Counseling Association
American Friends Service Committee
American Humane Society
American Jail Association
American Probation and Parole Association
American Psychiatric Society
American Youth Policy Forum
ASPIRA Association
Bazelon Center for Mental Health Law
Campaign for the Fair Sentencing of Youth
Campaign for Youth
Campaign for Youth Justice
Catholic Charities USA
Center for Children's Law and Policy
Center for Juvenile Justice Reform
Center for Law and Social Policy
Center on Juvenile and Criminal Justice
Child Welfare League of America
Church Women United
Coalition for Juvenile Justice
Coalition on Human Needs
Committee for Public Counsel Services
Community Justice Network for Youth
Council for Children with Behavioral Disorders
Council of Juvenile Correctional Administrators

Critical Resistance National Office
CURE LIFE-LONG
Disciple Justice Action Network
Drug Policy Alliance
Federation of Families for Children's Mental Health
Forum for Youth Investment
Girls Incorporated
Global Justice Ministry, Metropolitan Community Churches
Global Youth Justice
Human Rights Watch
Just Children
Justice Policy Institute
Juvenile Justice Policy Group
Juvenile Justice Trainers Association
Juvenile Law Center
Learning Disabilities Association of America
Legal Action Center
Legal Aid Society
Magellan Health Services
Mental Health America
Mid-Atlantic Juvenile Defender Center
National Advocacy Center for the Sisters of the Good Shepherd
National African-American Drug Policy Coalition, Inc.
National Alliance of Faith and Justice
National Alliance on Mental Illness
National Association for the Advancement of Colored People
National Association of Counties
National Association of Criminal Defense Lawyers
National Association of School Psychologists
National Association of Social Workers

National Black Law Students Association
National Campaign for the Fair Sentencing of Children
National Center for Lesbian Rights
National Center for Youth Law
National Collaboration for Youth
National Congress of American Indians
National Council of Jewish Women
National Council of La Raza
National Council on Crime and Delinquency
National Disability Rights Network
National H.I.R.E. Network
National Institute for Children, Youth and Families
National Institute for Law and Equity
National Juvenile Defender Center
National Juvenile Detention Association
National Juvenile Justice Network
National Mental Health Association
National Network for Youth
National Parent Teacher Association
National Partnership for Juvenile Services
National Youth Advocate Program
National Youth Employment Coalition
NETWORK, A National Catholic Social Justice Lobby
New England Juvenile Defender Center
Physicians for Human Rights
Presbyterian Church USA Washington Office
Public Welfare Foundation
Reclaiming Futures
Robert F. Kennedy Children's Action Corps, Inc
School Social Work Association of America

Society for Adolescent Medicine
Southern Juvenile Defender Center
Southern Poverty Law Center
Southwest Key Programs
The American Civil Liberties Union
The Annie E. Casey Foundation
The Corps Network
The Juvenile Justice Foundation
The Salvation Army USA
The Sentencing Project
Unitarian Universalist Association of Congregations
United Church of Christ, Office for Church in Society
United Methodist Church, General Board of Church and Society
Voices for America's Children
W. Haywood Burns Institute
Women of Reform Judaism
YMCA of the USA
Youth Advocate Programs, Inc.
YouthBuild USA
Youth Homes, Inc.
Youth Law Center

International Organization Supporters as of July 15th, 2013

Covenant House International
Defense for Children International, Zimbabwe
International Community Corrections Association
International CURE

State & Local Organization Supporters as of July 15th, 2013

Alabama

Alabama CURE

Alabama Youth Justice Coalition

School to Prison Reform Project

Southern Juvenile Defender Center

Southern Poverty Law Center

VOICES for Alabama's Children

Alaska

Covenant House Alaska

Arizona

Arizona Center for Law in the Public Interest

Children's Action Alliance

Episcopal Diocese of Arizona

Maricopa County Juvenile Public Defender Office

Our Family Services

Arkansas

Arkansas Advocates for Children & Families

Arkansas Interfaith Alliance

Arkansas Voices for the Children Left Behind

California

Books Not Bars

California Coalition for Women Prisoners

Ella Baker Center

Larkin Street Youth Services

Office of Restorative Justice, Archdiocese of Los Angeles

Redwood Community Action Agency

University of California Berkeley, School of Law

Western Juvenile Defender Center

Youth Justice Coalition

Colorado

Colorado CURE

Colorado Juvenile Defender Coalition

Pendulum Foundation

Connecticut

Center for Children's Advocacy

Collaborative Center for Justice

Connecticut Association for Community Action

Connecticut Juvenile Justice Alliance

Connecticut Parent Teacher Association

Connecticut Voices for Children

Middlesex Coalition for Children

National Association of Social Workers, CT Chapter

National Coalition of Jewish Women, Connecticut

TeamChild Juvenile Justice Project

Delaware

Children & Families First

Delaware Collaboration for Youth

Jewish Family Services of Delaware

Stand Up for What's Right and Just

The Delaware Center for Justice

District of Columbia

Center for Juvenile Justice Reform at Georgetown University's Public Policy Institute

Children's Law Center

Covenant House Washington

Georgetown University Law Center's Juvenile Justice Clinic

Justice for DC Youth!

Robert F. Kennedy Juvenile Justice Collaborative

Sasha Bruce Youthwork
The Center for Community Empowerment

Florida

Diocese of St. Augustine Justice and Peace Commission

Florida CURE

Florida Youth Initiative

Justice 4 Kids

Pax Christi Florida

Southern Poverty Law Center

Urban Resource Strategists, Inc

Georgia

Barton Child Law and Policy Center, Emory University of Law

Barton Juvenile Defender Clinic, Emory University School of Law

Making the Walls Transparent

Georgia Parent Support Network

Georgia Rural Urban Summit

Voices for Georgia's Children

Youth Task Force

Hawaii

Community Alliance on Prisons

Idaho

Idaho Federation of Families for Children's Mental Health

Tribal Justice Programs

Tribal Juvenile Justice Specialist

Illinois

Black Network in Children's Emotional Health

Child Care Association of Illinois

Civitas ChildLaw Center, Loyola University Chicago School of Law

Griffin Center, East St. Louis

Illinois Juvenile Justice Initiative

The John Howard Association
University of Illinois at Chicago
YWCA Quincy

Indiana

Indiana Juvenile Justice Task Force, Inc.

Iowa

Iowa Coalition 4 Juvenile Justice

Kentucky

Central Juvenile Defender Center

Children's Law Center, Inc.

Louisiana

Capital Post Conviction Project

Families and Friends of Louisiana's Incarcerated Children

Juvenile Justice Project of Louisiana

Maine

Child Protection & Juvenile Justice Section of the Maine State Bar
Juvenile Justice Clinical Program, University of Maine School of Law

Maine Children's Alliance

Maryland

ACLU of Maryland

Community Law in Action, Inc.

Justice for Families

Maryland Juvenile Justice Coalition

Public Justice Center

Massachusetts

Citizens for Juvenile Justice

Juvenile Defense Network

Juvenile Justice Center, Suffolk University Law School

New Vision Organization, Inc.

Youth Advocacy Department

Youth Advocacy Project

Michigan

Association for Children's Mental Health

Citizens for Prison Reform

Humanity for Prisoners

Juveniles against Incarceration for Life, Michigan

Michigan Collaborative for Juvenile Justice Reform

Michigan Council on Crime and Delinquency

Michigan Federation for Children and Families

Minnesota

Children's Law Center of Minnesota

Elim Transitional Housing, Inc.

Integrated Community Solutions, Inc.

Juvenile Justice Coalition of Minnesota

Life Long Mentoring Services

Minnesota Council of Child Caring Agencies

NAACP Minnesota/Dakota Area

Mississippi

Citizens for Prison Reform

Mississippi Center for Justice

Mississippi Youth Justice Project

Missouri

Missouri CURE

Missouri Youth Services Institute

Sisters of St. Joseph of Carondelet, St. Louis Province

Montana

Mental Health America of Montana

Nebraska

Voices for Children in Nebraska

Nevada

National Association of Social Workers, Nevada Chapter

New Hampshire

New Futures

New Hampshire Association of Criminal Defense Lawyers

New Jersey

New Jersey Association on Correction

New Jersey Parents Caucus, Inc.

Statewide Parent Advocacy Network of New Jersey

New Mexico

Community Action New Mexico

Juvenile Justice Advisory Committee

New Mexico Conference of Churches

New Mexico Council on Crime and Delinquency

New York

Center for Community Alternatives

Center for NuLeadership on Urban Solutions, Medgar Evers College

Chemung County Council of Churches

Chemung County Council of Women

Children's Defense Fund of New York

Church Women United of Chemung County

Church Women United of NYS

Correctional Association of New York

Court St Joseph #139 Catholic Daughters of the Americas, Corning/Elmira

FIERCE

Institute for Juvenile Justice Reform and Alternatives

Ladies of Charity of Chemung County

Mothers on the Move

Past Regents Club Catholic Daughters of the Americas, Diocese of Rochester

Pomona Grange #1, Chemung County

The Brotherhood/Sister Sol, Inc.

Urban Word NYC Veteran Grange #1108, Chemung County

Youth Represent

North Carolina

Action for Children North Carolina

Juvenile Justice Clinic of the University of North Carolina at Chapel Hill School of Law

North Carolina Juvenile Defender

Southern Juvenile Defender Center

University of North Carolina School of Law

North Dakota

NAACP Minnesota/Dakota Area

Ohio

Children's Defense Fund – Ohio

Juvenile Justice Coalition of Ohio

The Office of the Ohio Public Defender

United Healthcare Community Plan

Voices for Ohio's Children

Oklahoma

Oklahoma CURE

Oregon

Human Services Coalition of Oregon

Juvenile Rights Project, Inc.

Partnership for Safety and Justice

Pennsylvania

Mental Health Association in Pennsylvania

Juvenile Detention Centers Association of Pennsylvania

Pennsylvania Council of Churches

Rhode Island

Parent Support Network of Rhode Island

South Carolina

Federation of Families for Children's Mental Health of South Carolina

South Dakota

NAACP Minnesota/Dakota Area

Parents Who Care Coalition

South Dakota Peace and Justice Center

Tennessee

Mental Health Association of Middle Tennessee

Texas

Council on At-Risk Youth

Texans Care for Children

Texas Coalition Advocating Justice for Juveniles

Texas Criminal Justice Coalition

Vermont

Office of the Defender General

Office of the Juvenile Defender

Vermont Coalition for Homeless and Runaway Youth Programs

Virginia

Families & Allies of Virginia's Youth

JustChildren, Legal Aid Justice Center

Offender Aid and Restoration

University of Virginia School of Law

Virginia Coalition for Juvenile Justice

Virginia CURE

Washington

Citizens for Responsible Justice

TeamChild

Washington Association of Criminal Defense Lawyers

West Virginia

Daymark, Inc.

Wisconsin

Madison area Urban Ministry

Wisconsin Council on Children and Families

Wyoming

Wyoming Children's Action Alliance