RESOLUTION

WHEREAS, the nation’s first juvenile court, created in Cook County 115 years ago, was based on the understanding that children are different and should be treated differently from adults, and whereas scientific research has proven that the adolescent brain is not fully developed in the areas that regulate rational decision making and impulse control; and

WHEREAS, 705 ILCS 405/5-130 of the Illinois Juvenile Court Act mandates that youth, predominantly 15 and older but as young as 13, automatically be tried as adults in adult court and face adult sentences, based solely on the charge brought, which charge is at the exclusive discretion of the prosecutor; and whereas Illinois is one of only 14 states that does not require a hearing in front of a juvenile court judge before a child is transferred to adult court; and

WHEREAS, according to a study by the Illinois Juvenile Justice Initiative (JJI), since the passage of the Automatic Transfer statute in 1982, transfers to adult court have increased from 57 annually to 86 annually as of 2012, and the number of youth charged as Automatic Transfers increased dramatically after the passage of “Raise the Age” legislation from 96 in 2013 to 178 in 2014; and

WHEREAS, Automatic Transfer of youth to adult court has a direct impact on the Cook County Juvenile Temporary Detention Center, in which the average daily population of transferred youth has nearly doubled over the last year from 72 to 138; and

WHEREAS, according to the JJI study, the implementation of Automatic Transfer has resulted in more children being transferred to adult court for less serious crimes as compared to when judges made the transfer decisions; and

WHEREAS, Automatic Transfer has a disproportionate impact on children of color; in a three-year study of automatic transfers in Cook County, 83% of youth transferred were African American and only one youth was white; and

WHEREAS, approximately 54% of Automatic Transfer youth in the three-year study by JJI ultimately pled guilty to lesser charges that if originally charged would have been prosecuted in juvenile court; and whereas adult court cases are processed at a much slower pace than juvenile cases with an average time to disposition of 369 days for Automatic Transfer youth whose cases where disposed of in the last year; and

WHEREAS, automatic transfer prevents any consideration by a judge of the particular characteristics of a child, the crime, or the child’s role in the crime in determining the appropriate venue for sentencing, and automatically transferring youth accused of certain crimes ignores the scientific research and the underlying philosophy of the juvenile court; and

WHEREAS, every child in Illinois deserves a hearing in front of a juvenile court judge to determine whether his or her case is more appropriately handled in juvenile or adult court and it is in the best interest of justice to restore judicial discretion in all decisions relating to the transfer of a child to adult court; now therefore

BE IT RESOLVED, that the Union League Club of Chicago hereby urges the Illinois General Assembly to pass and the Governor to sign legislation ending Automatic Transfer of youth to adult court and restoring judicial discretion to determine whether a child is suitable for the rehabilitative focus of the juvenile court or should be transferred to adult court; and

BE IT FURTHER RESOLVED, that the Public Affairs Committee and the Executive Director of Public Affairs are authorized to inform the Governor of Illinois, the Speaker of the Illinois House of Representatives, the President of the Illinois Senate, and members of the General Assembly and the general public of this position of the Union League Club of Chicago.

Adopted February 24, 2015 by the Board of Directors.

F. Michael Covey III
President

Barry R. Cesafsky
Secretary