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# Disproportionate Incarceration of Juvenile Drug Offenders in One State

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## Geographic Disparity in the “War on Juvenile Drug Offenders” in Chicago

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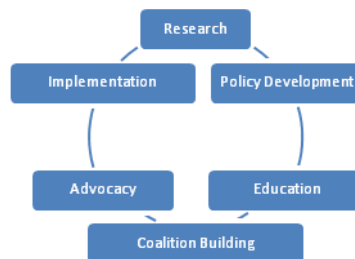
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The “War on Drugs” in the US has disproportionately impacted people of color in urban settings. This paper presents one example of this disproportionate impact, documenting the reliance on incarceration for juvenile drug offenders within the west side of the city of Chicago. Statistics on youth committed to juvenile prisons across the state of Illinois demonstrate the majority of juveniles incarcerated for drug offenses come from the city of Chicago, and zip code mapping of the Chicago area youth committed to juvenile prisons reveals the majority of juvenile drug commitments come from one area in the city on the west side. The paper further examines the disproportionate impact of incarceration on youth of color in Illinois. The paper concludes that the disproportionate impact on minority youth from Chicago is contrary to evidence that treatment is more effective than incarceration for children in conflict with the law.

## Disproportionate Incarceration of Juvenile Drug Offenders in One State

### INTRODUCTION

*The following is a brief analysis of incarceration trends for juveniles charged with drug offenses over the past four years in one state, Illinois. The analysis is by the Illinois Juvenile Justice Initiative, a non-profit, non-partisan, inclusive statewide coalition of state and local organizations, advocacy groups, leaders from impacted communities, legal educators, practitioners, providers, and child advocates supported by private donations from foundations, individuals and entities. JJI as a coalition establishes broad-based collaborations developed around specific initiatives to achieve concrete improvements and lasting changes for youth in the justice system, consistent with the JJI mission statement - **to transform the juvenile justice system in Illinois by reducing reliance on confinement, enhancing fairness for all youth, and developing an adequate range of community-based resources.** JJI's statewide approach to systemic reform for youth in the justice system begins with research and analysis, followed by a circular path linking policy development, policy education, network and coalition building, policy advocacy and policy evaluation and implementation assistance:*



*Through collaborative advocacy around issues ranging from transfer and age of jurisdiction to conditions of/and reduction of confinement, the JJI has had substantial impact on policy and legislation in Illinois over the past decade. In particular, JJI's advocacy resulted in the elimination of automatic trial of juvenile drug offenders in the adult court – a change that impacts about 200 youth in Chicago annually. The Juvenile Justice Initiative monitors juvenile incarceration trends, and advocates for evidence based programming and community based alternatives to incarceration. The Juvenile Justice Initiative is part of the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative.*

## OVERVIEW

Illinois is the Midwestern state that served as the birthplace of the world's first juvenile court, in Chicago, Cook County, in 1899. The state is a combination of urban centers and rural farmland, and is home to about 13 million people, with about 1.2 million youth age 10-16, the age range for the state's juvenile justice system. On any given day, the state confines about 1,100 youth in eight post-sentencing juvenile prisons spread across the northern and southern regions of the state, along with another 1,000 youth in seventeen pre-trial detention centers.

The eight juvenile prisons in Illinois have come under increasing scrutiny by the media, advocacy organizations and the state legislature. Motivated at first by investigations of two suicides, the resulting investigations paint a troubling picture of untrained staff, minimum educational programming, inadequate physical and mental health services, and harsh discipline practices.<sup>1</sup> A Chicago Public Radio station had to fight over several months for access to the facilities, then once inside they concluded the conditions merited six months of reporting, including stories about disparities and inequities in the juvenile system overall as well as stories about the juvenile prisons and the youth within them.<sup>2</sup> As noted in the public radio series, release procedures are vague, and half (50%) of the youth who are released end up back in a juvenile prison within 3 years.<sup>3</sup> The price tag is huge – over \$85,000 per youth per bed annually.<sup>4</sup>

Sadly, most of the youth who are confined in these troubled prisons, are low level, nonviolent offenders, and a disproportionate number of youth are youth of color.<sup>5</sup> Over a hundred youth are committed to the juvenile prisons each year on drug offenses. This paper examines data on the drug commitments to the state juvenile prisons in Illinois, revealing that the practice of incarceration for drug offenses is primarily limited to a small region within the city of Chicago.

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<sup>1</sup> *Tribune Watchdog: Suicides by Troubled Teens*, *Chicago Tribune*, Mills & Kiernan, May 25, 2010; Mills, S., & Kiernan, L. (2010, May 26, 27). Suicides Expose Safety Breakdowns. Chicago Tribune, <http://www.chicagobreakingnews.com/2010/05/tribune-watchdog-suicides-by-troubled-teens.html>

<sup>2</sup> <http://www.journalismcenter.org/resource/detention-and-incarceration/reporting-%E2%80%9Cinside-and-out%E2%80%9D-juvenile-justice-reform>

<sup>3</sup> <http://www2.illinois.gov/budget/Documents/FY%202011%20Operating%20Book.pdf>

<sup>4</sup> <http://www2.illinois.gov/budget/Documents/FY%202011%20Operating%20Book.pdf>

<sup>5</sup> In Cook County, youth of color comprised 66% of the youth population age 10-16 in 2007, yet made up 96% of the state juvenile prison commitments; and youth of color comprised 42% of the overall state youth population age 10-16 in 2007, yet made up 66.3% of the state juvenile prison commitments, according to the Illinois Criminal Justice Information Authority's report *Juvenile Justice System and Risk Factor Data: 2007 Annual Report*, [www.icjia.state.il.us](http://www.icjia.state.il.us)

## DRUG COMMITMENTS OVERALL in ILLINOIS

The Illinois Juvenile Court Act sets few parameters around commitments of youth to state juvenile prisons, requiring only a report of social investigation (covering the minor's health, record of criminality, education, treatment, and family background)<sup>6</sup>, and setting a lower age limit of 13.<sup>7</sup> By statute, any juvenile age 13 to 17 can be committed to state juvenile prison for any drug offense, including misdemeanor possession of drugs. Commitment is for an indeterminate term up to the youth's 21<sup>st</sup> birthday, but not longer than the term an adult could spend for the same offense – so not longer than a year for a misdemeanor offense. In practice, youth are rarely committed to state juvenile prison on drug offenses, with one notable exception – the city of Chicago. This paper examines the disproportionate impact of juvenile prison for youth found guilty of drug offenses in the state of Illinois.

### TREATMENT OF JUVENILE DRUG OFFENDERS IN CHICAGO (Cook County)

The City of Chicago serves as the only significant jailer of juvenile drug offenders in Illinois. Cook County, home of Chicago, is the most populous county in the State of Illinois. Data from 2005 through 2009 reveal that annually police in Cook County arrest youth at a rate of about **one in a hundred** for drug offenses.<sup>8</sup> This is by far the highest rate of drug arrests for youth in the state. Only two of the 102 other counties even come close – with an arrest rate half that of Cook.

This disproportionately high arrest rate, results in disproportionately high numbers of commitments of youth to juvenile prisons on drug charges from Cook County. Data from 2006 and 2007 reveal that annually Cook County juvenile courts committed over 100 youth to the state juvenile prisons.<sup>9</sup> This number vastly outstripped every other county in Illinois. Indeed, during the same timeframe, most counties did not commit any youth for drug offenses.

Elizabeth Kooy, Research Advocate for the Juvenile Justice Initiative, mapped the zip codes of the youth held in pre-trial detention, and later committed to state juvenile prisons from Chicago.<sup>10</sup> A map by Ms. Kooy of the zip code breakdown of drug commitments from Cook County in 2008, reveals the disparate impact of the drug prosecutions in Chicago. (Kooy, 2009, attached to this report.) The map sheds a

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<sup>6</sup> 705 ILCS 405/5-701

<sup>7</sup> 705 ILCS 405/5-710

<sup>8</sup> [www.icjia.state.il.us](http://www.icjia.state.il.us) Juvenile Justice System and Risk Factor Data 2006 and 2007 Annual Reports; tables with arrest rates and commitments rates are included at the end of this article.

<sup>9</sup> Ibid.

<sup>10</sup> Kooy, L. (2009). *Cook County Detention and DJJ Commitments*. Juvenile Justice Initiative, [www.jjustice.org](http://www.jjustice.org).

further light on the intensely localized use of commitment for juvenile drug offenses. The map reveals that majority of drug commitments of juveniles to the state juvenile prisons were overwhelmingly of youth from the immediate west side of the city of Chicago.

The west side of Chicago where the juvenile drug commitments were located, includes an area known as Lawndale. According to the Steans Family Foundation, Lawndale is an area that has struggled with poverty and unemployment since the riots of the 1960's following the assassination of Martin Luther King, Jr. drove out the local manufacturing plants.<sup>11</sup> The Steans Family Foundation website notes that today 94% of the population is African American and 5% of the population is Latino. Approximately 57% of the area's population in 2001 was under some form of criminal justice control, either in prison or on probation or parole. While a few other areas of the city of Chicago and surrounding suburbs are similarly impoverished with few jobs and poor schools, Lawndale is unique in its involvement of youth in the justice system.

This targeted impact of the juvenile justice system on drug offenders results in a disproportionate impact on minority youth. Research reveals that youth arrested and then held in the Cook County Juvenile Detention Center are overwhelmingly minority. Data from the Cook County Juvenile Detention Alternatives Initiative for the 2<sup>nd</sup> quarter of 2009 revealed that 83% of the admissions to detention from April to June of 2009 were Black, while only 3% were White.<sup>12</sup> Similarly, data reveals that commitments to state juvenile prison of youth from Cook County are disproportionately minority. Of 447 commitments from Cook in 2007, only 18 (4%) were White, while 366 (81.8%) were Black.<sup>13</sup>

### **TREATMENT OF JUVENILE DRUG OFFENDERS OUTSIDE CHICAGO (Cook County)**

The treatment of juvenile drug offenders is very different outside Chicago. Data from 2006 through 2009 reveal that annually police outside Cook County arrest youth for drug offenses – at a rate of about **0 to 5 in a thousand**.<sup>14</sup> This is a dramatically lower than the nearly **one in a hundred rate in Cook County**. Only two of the 102 counties outside Cook has an arrest rate even close to that of Cook – Kane and Winnebago have an arrest rate about half the rate of Cook.

This significantly lower arrest rate of juveniles for drug offense everywhere except Cook County, results in dramatic differences in commitments to juvenile prisons. Data from 2006 through 2009 reveal that only a handful of other counties in Illinois committed any youth to state juvenile prisons. In 2009, fifteen counties committed 27 youth to state juvenile prison, while Cook County committed 86 youth for

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<sup>11</sup> <http://www.steansfamilyfoundation.org>

<sup>12</sup> Cook County Juvenile Detention Alternatives Initiative, Statistical Report, 2<sup>nd</sup> Quarter, 2009.

<sup>13</sup> [www.icjia.state.il.us](http://www.icjia.state.il.us)

<sup>14</sup> [www.icjia.state.il.us](http://www.icjia.state.il.us); and see tables at end of this article.

drug offenses. Kane County incarcerated 5 in 2009 and Winnebago County incarcerated 1 youth, compared to the 86 youth that Cook incarcerated in 2009. In 2008, eighteen counties committed 40 youth to state juvenile prison, while Cook County committed 137 youth for drug offenses. In 2007, twenty-one of the 102 counties in Illinois committed 47 youth to state juvenile prisons on drug offenses – the same year that Cook committed 115 youth. Similarly, in 2006, nineteen of the 102 counties in Illinois committed 28 youth to state juvenile prisons on drug offenses – the same year that Cook committed 111 youth. The good news is that the number of drug commitments is going down in Cook County and in the few counties outside Cook that have committed in the past, but the disparities remain. These are consistently dramatic differences in the practice of using confinement for juvenile drug offenses in Illinois.

What these data reveal, is that in practice, confinement for juveniles for drug offenses in Illinois is an isolated practice, primarily limited to one county in Illinois. A closer examination by zip code of the commitments to state juvenile prison from Cook County reveals the majority of the juvenile drug commitments are limited to a small geographic area within the west side of the city of Chicago. This disparate impact of incarceration for juvenile drug offenders within the west side of Chicago, results in dramatically disparate application of juvenile drug penalties upon youth of color within one city in the State of Illinois.

### **RACIAL DISPARITIES**

Racially disproportionate practices regarding juveniles and drug offenses have long been the case in Illinois – and indeed, across the nation. It is frequently noted that in the United States the “drug war” falls disproportionately on minorities. In her book, *The New Jim Crow*, Michelle Alexander notes that the stark racial disparities of the US’ War on Drugs are not justified by rates of drug crime, and concludes that these racially disparate policies and practices result in a growing undercaste of African American men with criminal records and thus subject to legalized discrimination for the rest of their lives.<sup>15</sup> As author Michelle Alexander notes, these racial disparities in application of the US “drug war” are not justified by use of drugs. It is frequently noted that in the United States, data reveals white youth use drugs as often – or more – than minority youth:

...both the most recent National Institute of Drug Abuse Survey of high school seniors and National Household Survey on Drug Abuse found substantially higher involvement in serious drug behavior for whites than for blacks. The NIDA survey found that white youth self-reported using heroin and cocaine at 7 times the rate of black youth and crack cocaine at 8 times the rate of black youth. In the National Household Survey, white youth age 12 - 17 reported selling drugs a third more frequently than black youth. If white youth are indeed using more frequently than

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<sup>15</sup> *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*; Michelle Alexander, [www.thenewpress.com](http://www.thenewpress.com), 2010.

black youth, the higher sales numbers makes sense, since drug users report most commonly buying drugs from people of the same race.<sup>16</sup>

Nor are the racial disparities in the application of penalties for drug offenses justified by positive outcomes. Longitudinal research in the US on effectiveness of incarceration with juvenile offenders reveals that community based alternatives are more effective than incarceration in reducing repeat offending.<sup>17</sup>

Efforts are underway to address disparate applications of juvenile drug policies in Illinois. Concern over racial disparities in the application of transfers of juveniles to the adult court for drug offenses served as the basis for drug transfer reform in Illinois in 2005.<sup>18</sup> The John D. and Catherine T. MacArthur Foundation documented the positive effect of this reform in *Changing Course: A Review of the First Two Years of Drug Transfer Reform*, noting that automatic transfers of youth to adult court in Cook County went down by more than two-thirds, without any corresponding increase in juvenile court caseloads.<sup>19</sup>

Similar systemic reforms are needed to address the current disproportionate impact of juvenile drug sentencing practices in Illinois. As we have noted above, the drug prosecutions and resulting imprisonment of juvenile offenders in Illinois falls disproportionately on one small geographic area on the west side of Chicago. We have further noted substantially higher incarceration rates for minority youth from Cook County (Chicago). Numerous reports document the positive outcomes from community based treatment for drug offenders rather than residential placement or prison.<sup>20</sup> Therefore, Cook County could substantially diminish the current disproportionate impact of imprisonment of minority juvenile offenders, by shifting resources to address juvenile drug offenders with community based treatment programs rather than incarceration.

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<sup>16</sup> Schiraldi, V. (n.d.). The Juvenile Justice System in Black and White. *Building Blocks for Youth* . <http://www.buildingblocksforyouth.org/issues/dmc/schiraldi.html>.

<sup>17</sup> John D. and Catherine T. MacArthur Foundation, Models for Change Initiative, Pathways to Desistance Research Talking Points, <http://www.modelsforchange.net/publications/249>

<sup>18</sup> John D. and Catherine T. MacArthur Foundation, Models for Change Initiative, Jurisdiction Reform, *Changing Course: A Review of the First Two Years of Drug Transfer Reform*, [www.modelsforchange.net/publications/111](http://www.modelsforchange.net/publications/111)

<sup>19</sup> Ibid.

<sup>20</sup> *Reform Cannot Wait*, [www.acluohio.org/issues/CriminalJustice/ReformCannotWait2010\\_08.pdf](http://www.acluohio.org/issues/CriminalJustice/ReformCannotWait2010_08.pdf); and *Disparity by Geography: The War on Drugs in America's Cities*, Sentencing Project, May, 2008, [www.sentencingproject.org/doc/publications/dp\\_drugarrestreport.pdf](http://www.sentencingproject.org/doc/publications/dp_drugarrestreport.pdf)

## CONCLUSIONS

It has long been noted that the drug war falls disproportionately on inner cities and minorities in the United States. This holds true in Illinois, where shockingly disparate sentencing practices result in west side youth from Chicago constituting the majority of youth incarcerated for drug offenses. Substituting a public health model of treatment rather than incarceration as a dispositional alternative for juvenile drug offenders would have little to no impact in most of the state of Illinois, but would dramatically lessen the disproportionate impact of incarceration on youth in the city of Chicago.

**Figure 1: Drug Arrests, Rates and Commitments for Top 13 Committing Counties in Illinois**

**Tables based on data reported by the Illinois Criminal Justice Information Authority**

County	2008 Youth Population ages 10-16*	2009 Drug Arrests	Drug Arrest Rate per 100,000 Youth ages 10-16*	2009 DJJ Drug Commitments Ages 13-16	2009 Drug Commitments Ages 17-20
Champaign	13,754	29	210	3	0
Cook	500,394	3,678	735	79	108
Kane	55,867	261	467	1	0
Kankakee	10,840	28	258	1	1
Lake	79,484	110	138	1	1
LaSalle	10,270	21	204	0	1
Macon	9,729	24	246	0	2
Madison	24,124	44	182	0	1
Peoria	17,116	6	35	3	2
Rock Island	12,474	9	72	1	0
Vermillion	7,524	1	13	1	0
Will	74,040	80	108	0	2
Winnebago	29,380	107	364	3	2

*\*Source: Data from the Illinois Criminal Justice Information Authority, 2009 Youth Population not available - used 2008 data.*



<b>County</b>	<b>2008 Youth Population ages 10-16</b>	<b>2008 Drug Arrests youth ages 10-16</b>	<b>Drug Arrest Rate per 100,000 Youth ages 10-16</b>	<b>2008 DJJ Drug Commitments ages 13-16</b>	<b>2008 DJJ Drug Commitments ages 17-20</b>
Champaign	13,754	28	203	5	1
Cook	500,394	3,829	765	104	156
Kane	55,867	207	370	1	1
Kankakee	10,840	23	212	2	3
Lake	79,484	103	130	1	0
LaSalle	10,270	24	234	0	0
Macon	9,729	20	206	0	0
Madison	24,124	34	141	1	1
Peoria	17,116	11	64	2	1
Rock Island	12,474	11	88	0	0
Vermillion	7,524	5	66	0	2
Will	74,040	86	116	0	1
Winnebago	29,380	118	401	6	1

*\*Source: Illinois Criminal Justice Information Authority, Youth population data from Office of Juvenile Justice and Delinquency Prevention*

<b>County</b>	<b>2007 Youth Population ages 10-16</b>	<b>2007 Drug Arrests youth ages 10-16</b>	<b>Drug Arrest Rate per 100,000 Youth ages 10-16</b>	<b>2007 DJJ Drug Commitments ages 13-16</b>
Champaign	14,096	26	184	4
Cook	511,517	4,681	915	106

Kane	55,517	226	407	4
Kankakee	11,061	36	325	4
Lake	80,294	143	178	2
LaSalle	10,438	25	240	0
Macon	10,018	15	150	0
Madison	24,749	54	218	0
Peoria	17,376	3	17	0
Rock Island	12,597	6	48	2
Vermillion	7,613	8	105	2
Will	74,795	79	106	0
Winnebago	29,667	92	310	4

*\*Source: Illinois Criminal Justice Information Authority, Juvenile Justice System and Risk Factor Data for Illinois 2007 Annual Report*

<b>County</b>	<b>2006 Youth Population ages 10-16</b>	<b>2006 Drug Arrests youth ages 10-16</b>	<b>Drug Arrest Rate per 100,000 Youth ages 10-16</b>	<b>2006 DJJ Drug Commitments ages 13-16</b>
Champaign	14,173	21	148	2
Cook	521,959	5,244	1,005	111
Kane	54,935	204	371	2
Kankakee	11,209	30	268	1
Lake	80,646	145	180	2
LaSalle	10,749	27	251	0
Macon	10,283	11	107	1
Madison	25,213	59	234	0
Peoria	17,581	8	46	0

Rock Island	12,800	7	55	0
Vermillion	7,857	8	102	0
Will	73,856	117	158	1
Winnebago	29,847	162	543	4

Source: Illinois Criminal Justice Information Authority, Juvenile Justice System and Risk Factor Data for Illinois 2006 Annual Report

Figure 2a: Illinois DJJ Commitments by Race

County	2008 Commitments % Black	2008 Total DJJ Commitments	2009 Commitments % Black	2009 Total DJJ Commitments
Champaign	79%	87	85%	85
Cook	82%	917	82%	895
Kane	50%	46	42%	50
Kankakee	62%	53	69%	55
Lake	62%	56	51%	63
LaSalle	48%	31	4%	26
Macon	13%	34	80%	55
Madison	56%	55	47%	64
Peoria	65%	101	85%	98
Rock Island	68%	75	50%	78
Vermillion	57%	51	63%	51
Will	57%	56	64%	42
Winnebago	59%	127	62%	131

**Figure 2b: Illinois DJJ Commitments by Race - Top 13 Committing Counties**

County	2008									
	13 to 16 year olds					17 - 20 year olds				
	Black	Hispanic	White	Other	Total	Black	Hispanic	White	Other	Total
Champaign	41	1	10	0	52	28	1	6	0	35
Cook	379	58	20	3	460	376	65	13	3	457
Kane	8	10	0	0	18	15	12	1	0	28
Kankakee	21	2	4	1	28	12	1	12	0	25
Lake	13	9	5	0	27	14	8	7	0	29
LaSalle	2	3	15	0	20	2	0	9	0	11
Macon	16	0	14	0	30	3	0	1	0	4
Madison	17	1	10	0	28	19	0	8	0	27
Peoria	38	1	10	2	51	38	0	11	1	50
Rock Island	26	7	4	0	37	25	2	11	0	38
Vermilion	14	0	14	0	28	15	1	7	0	23
Will	16	2	5	0	23	16	3	14	0	33
Winnebago	50	12	19	0	81	25	2	19	0	46

Source: Illinois Criminal Justice Information Authority

County	2009									
	13 to 16 year olds					17 - 20 year olds				
	Black	Hispanic	White	Other	Total	Black	Hispanic	White	Other	Total
Champaign	43	1	7	0	51	29	1	4	0	39
Cook	378	64	22	2	466	354	56	15	4	429
Kane	10	10	4	0	24	11	12	3	0	26

Kankakee	27	0	7	0	34	11	1	9	0	21
Lake	14	6	6	1	27	18	13	5	0	36
LaSalle	1	4	16	0	21	0	1	4	0	5
Macon	27	0	8	0	35	17	0	3	0	20
Madison	16	0	11	0	27	14	0	23	0	37
Peoria	53	2	7	0	62	30	0	6	0	36
Rock Island	29	7	7	0	43	20	3	12	0	35
Vermilion	26	0	11	0	37	6	0	8	0	14
Will	13	4	7	0	24	14	2	2	0	18
Winnebago	47	13	17	0	77	34	5	15	0	54

Source: Illinois Criminal Justice Information Authority

**Figure 3: Commitments to DJJ for Drugs Offenses**

	Ages 13-16 Year Olds			Ages 17-20 Year Olds		
	New Sentence (Drugs)	Parole Violator	Technical Violator (Original Sentence Drugs)	New Sentence (Drugs)	Parole Violator	Technical Violator (Original Sentence Drugs)
<b>Cook 2007</b>	89	5	12	26	5	48
<b>Cook 2008</b>	80	11	13	57	2	97
<b>Cook 2009</b>	63	10	6	23	2	83

Source: Illinois Criminal Justice Information Authority

**Figure 4: North Lawndale Statistics**

**Age**

Age	Total	% Of Total Population	% Change From 1990
0 to 4 years	4,020	9.6%	-1.8%
5 to 17 years	11,929	28.6%	-0.2%
18 to 64 years	21,932	52.5%	-1.5%
Over 65 years	3,887	9.3%	-3.5%

**Households**

Classification	Total	Percent
With Children Under 18	5,187	55%
Married With Children Under 18	2,724	10.2%
Single Parent Mother	3,571	28.8%
Single Parent Father	-	2.8%
Living Alone	2,521	20.3%
Family, No Children Under 18	4,204	33.9%
Total Number Of Family Households	9,391	76%
Total Number Of Households	12,402	-

Source: Steans Family Foundation from 2000 Census

**Criminal Justice Overview**

North Lawndale residents sentenced to prison in 2001	2,442
Percent of State DOC intake	12%
Percent incarcerated for drug related offenses	68%
Average sentence length between 1998-2002	3.8 years
Percent of those arrested that were women	17%
Percent of North Lawndale residents in some form of the criminal justice system in 2001 (i.e. in prison, or on probation or parole)	~ 57%

Source: Steans Family Foundation