

JOHN HOWARD ASSOCIATION OF ILLINOIS



**In Their Own Words: Young People's Experiences in
the Criminal Justice System and Their Perceptions
of Its Legitimacy**

Photo Credit: Richard Ross

The John Howard Association of Illinois (JHA)
Promoting Community Safety Through Cost-Effective Prison Reform

Founded in 1901, JHA is Illinois' only non-partisan prison watchdog and justice reform advocate. Our mission is to achieve a fair, humane, and cost-effective criminal justice system by promoting adult and juvenile prison reform, leading to successful re-integration and enhanced community safety.

Through our longstanding monitoring projects, JHA staff and trained volunteers regularly tour all facilities in the Illinois Department of Corrections and the Illinois Department of Juvenile Justice. During these tours, monitors are able to observe the challenges faced by both inmates and correctional staff and ensure that policies are implemented in a way that promotes public safety.

Following our visits, JHA issues a written report that focuses on critical matters such as education, medical and mental health care, disciplinary procedures for youth and adults, and the physical condition of the facilities. These widely disseminated reports are read by everyone from lawyers to legislators, wardens to reformers, members of the Governor's office to members of the public at large; they provide essential transparency and oversight to an otherwise overlooked institution and drive safe and cost-effective criminal justice reform.

To read JHA's prison reports and learn more about our work, please visit at our website at <http://www.thejha.org>.

Models for Change
Systems Reform in Juvenile Justice

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Key Findings and Recommendations

The justice system has not developed a fair and effective response to the problem posed by serious young offenders. From policing, to trial, to sentencing and incarceration, the criminal justice system's responses are seen as illegitimate, unequal, arbitrary, and racist from the eyes of young offenders and the predominantly minority communities most impacted by crime.

Policymakers should take four steps to improve the justice system's current response to serious young offenders:

1. Empower judges to determine whether serious young offenders should be tried in juvenile or criminal court, regardless of the crime they are accused of committing.
2. Provide young offenders with greater access to counsel during police encounters and pre-trial custody.
3. Ensure that attorneys and judges who deal with this population are trained in adolescent brain development and how to effectively communicate with young people.
4. Establish separate correctional facilities, treatment programs, and a sentencing scheme that takes into account young offenders' mental immaturity and ongoing development.

Introduction

While there is a growing consensus that the country needs to re-examine the criminal justice system's prosecution of serious young offenders, there is little documentation of how this population actually experiences and perceives the laws, policies, and practices that are intended to hold them accountable.¹

From a policymaking perspective, this lack of information weakens our ability to assess and improve the justice system's response to serious crime committed by young people. How can we determine the impact of criminal penalties on young people if we don't understand what they know about the law? How do we know if the judicial system is doing a fair and effective job of holding serious young offenders accountable if we don't question how this population experiences the judicial process? How can we understand the impact our correctional system has on this population if we don't ask young prisoners to reflect on their experience of incarceration?

In this report, the John Howard Association (JHA), Illinois' only independent prison watchdog and justice reform advocate, seeks to answer some of these questions as well as provide more general insight into how serious young offenders perceive the criminal justice system's legitimacy.

Since 2012, JHA has worked to improve the criminal justice system's response to young people who are prosecuted as adults in Cook County, Illinois. Through the support of the MacArthur Foundation's Models for Change Initiative, we have worked with the Cook County Juvenile Temporary Detention Center to provide youth in custody who are charged as adults with a basic understanding of legal terminology and criminal court

procedures through our legal literacy education clinics. During this same period, we have provided similar assistance to many young people's family members.

Motivated by our experiences working with these youth and families, in 2013-14 JHA conducted in-depth, confidential interviews with six young people who were prosecuted and convicted of adult crimes in Cook County when they were 15, 16 or 17 and today are incarcerated in the Illinois Department of Corrections, serving sentences that range from 12 to 20 years. Our goal for these interviews was to understand how serious young offenders experience the criminal justice system, from arrest to prison. The six people we interviewed exemplify the general demographics of young people prosecuted as adults in Illinois, as was documented by the Juvenile Justice Initiative in its 2014 report on Cook County's use of automatic transfer laws. All of the young people are African American. All of them were charged with serious offenses, from armed robbery to murder. Prior to their adult charges, all of them lived or grew up in a handful of neighborhoods on the South and West Sides of Chicago that are overwhelmingly minority and suffer from some of the highest levels of poverty and crime in Illinois.²

Informed by the Campaign for Youth Justice's *Interview Guide*,³ the interviews were conversational and unstructured, loosely arranged around a series of questions asking participants to describe their personal backgrounds, experiences, and opinions regarding: (1) their neighborhoods, families, and schools as they were growing up; (2) relationships with law enforcement; (3) criminal court processes and attorney representation; (4) conditions in adult and juvenile facilities; (5) the impact of age, race, and wealth on criminal justice; (6)

perceptions of fairness with respect to law enforcement, criminal justice, and the automatic transfer and mandatory-minimum sentencing laws; (7) the deterrence impact of mandatory minimum sentencing and automatic transfer laws; and (8) recommendations on how to deal with serious young offenders, increase public safety, and improve the criminal justice system.

"In Their Own Words" uses the collective accounts we gleaned from our interviews and general experience working with detained youth and their families to examine young people's perceptions of the criminal justice system's legitimacy in relation to police, courts, counsel, and punishment. This analysis is followed by the youths' recommendations on how to improve the criminal justice system's response to serious young offenders. The report concludes with the youths' individual stories.

Interviewing young people for this report and working with detained youth and their families, we were struck by their stories and their profound distrust of the criminal justice system. In recounting their experiences here, our intent is not to malign law enforcement personnel, court officers or correctional staff, the majority of whom perform their jobs with decency, honor, and integrity, but instead to give insight into young offenders' perspectives. While some may dismiss their accounts as disingenuous, inherently suspect because of a bias against the system that is punishing them, or irrelevant to law enforcement's response to serious crime, we believe that the perspectives of young offenders are vital for the administration of justice in two essential ways.

First, although virtually every state over the last 20 years has made it easier to punish young people in the criminal justice system,

no governmental entity or independent organization has ever comprehensively assessed the impact of these laws and policies on serious young offenders. Examining this population's experiences and perspectives will help policymakers determine if the reasons behind these policies square with how they actually work, providing specific ways in which existing practices can be strengthened or modified to achieve the greater end of promoting public safety.

Second, and more fundamentally, taking into account the perspectives of serious young offenders and their families is an essential first step in understanding and addressing the violence that plagues many of the country's poorest minority communities

In the *Federalist Papers*, James Madison wrote that "all governments rest on

opinion," and so it is with the criminal justice system. As long as a significant number of people in these communities distrust the criminal justice system, there will be a crisis of violence because it grows from a larger crisis of governmental legitimacy. While it might seem as if the only response to this kind of violence is to rely on severe criminal penalties, hoping that they will deter or incapacitate young violent offenders, or to agree with elected officials who question the values and lack of cooperation from affected communities, there is no way to coerce or shame people into trusting the criminal justice system. The only way to foster legitimacy and build the kind of civic trust that will promote safer communities is first to meet people where they are and to listen to them in their own words.

Youth Biographies

"In Their Own Words" is based primarily on six in-depth interviews of young people who were punished in Illinois' criminal justice system. Below are brief biographies of the participants. The Appendix to this report sets out more complete accounts of their life stories. To protect youths' privacy, we changed their names in this report and omitted their names from interview materials.

Travis, a 17-year-old African American male youth, was serving a 15-year sentence for armed robbery in an adult prison in Southern Illinois at the time of the interview. He grew up in public housing in the Robert Taylor Homes in Chicago and was intermittently raised by his aunt while his mother and father were incarcerated. At age 16, he was automatically charged as an adult with armed robbery with a firearm, but he pled guilty to the lesser offense of armed robbery- no firearm.

Jordan, an African American male in his mid-20's, was serving a 20-year sentence for first degree murder at a maximum-security adult prison at the time of the interview. Jordan was raised by his mother in Chicago and the surrounding suburbs. His father was frequently incarcerated. At age 15 Jordan was arrested and charged as an adult with first degree murder after stabbing his friend during an altercation. He asserted self-defense at a jury trial, but he was found guilty of first degree murder and given a minimum sentence of 20 years' imprisonment.

Angie, a 17-year-old African American female, was serving a 14-year sentence for armed robbery-no firearm at an adult prison at the time of the interview. Angie grew up on Chicago's

West Side with her grandmother. Angie's mother abused drugs and was frequently incarcerated. At age 15, Angie was arrested and automatically charged as an adult with armed robbery with a firearm. She pled guilty to the lesser charge of armed robbery-no firearm.

Ben, a 17-year-old African American male, was incarcerated at an adult prison on a 13-year sentence for armed robbery- no firearm at the time of the interview. He grew up on the South Side of Chicago with his mother, aunt, uncle and members of his extended family. At age 16, he was arrested and automatically charged as an adult with armed robbery with a firearm. Following a bench trial, he was found not guilty of the greater charge, but guilty of the lesser offense, armed robbery-no firearm.

Calvin, a 17-year-old African American male, was incarcerated in segregation at an adult prison on a six-year sentence for armed robbery-no firearm at the time of the interview. He grew up in the Englewood neighborhood of Chicago. At age 16, he was arrested and charged as an adult with armed robbery with a firearm. He agreed to plead guilty to armed robbery - no firearm in exchange for a negotiated sentence of six years.

Emma, a 17-year-old African American female, was incarcerated in an adult prison on a 12-year sentence for armed robbery with a knife at the time of the interview. She was raised by her mother and her grandfather in Chicago and the surrounding suburbs in Cook County. Emma was arrested and charged as an adult with armed robbery at age 17. She agreed to plead guilty in exchange for a negotiated sentence of 12 years' imprisonment.

Findings

In interviewing youth, we sought to explore and document not only their personal experiences of the criminal justice system, but also their perceptions of legitimacy in relation to this system, both as a whole and with respect to its constituent parts — *i.e.*, the police, the courts (judges, prosecutors, and defense attorneys), juvenile and adult correctional facilities, and criminal laws and sentencing.

The youth that we interviewed overridingly described having negative personal experiences and perceptions in relation to criminal justice. They expressed apathy, bitterness, and intense anger regarding the lack of legitimacy, equality, and fairness they perceived in this system. Youths' perceptions of illegitimacy were directed largely at the procedures and mechanisms of the justice system, rather than the moral legitimacy of laws themselves in proscribing right and wrong. Indeed, every youth that we interviewed believed that they deserved to be punished for breaking the law and causing harm. Their anger, resentment and sense of illegitimacy flowed instead from their personal experiences and beliefs that the (1) criminal justice system failed to treat them with the basic respect and dignity that should be accorded to human beings; (2) that those who occupied positions of power and authority acted arbitrarily and unfairly, themselves violating the rules and laws; and (3) that the criminal justice system refused to acknowledge their actual lived realities, individual circumstances, and potential for rehabilitation given their youth.

Police

A central precept of the police's claim to legitimacy is that the police themselves are subordinate to the law. For police power to be viewed as legitimate, people must believe that it is exercised in accordance with the rule of law.

Youth that we interviewed all expressed varying degrees of distrust, anger, fear, and antipathy regarding the police. There was a general perception that police, particularly Chicago police, were corrupt, racist, dangerous, and operated as if they were above the law and did not have to follow the rules. As one youth recounted: *Everyone knows that the police will plant guns and drugs on people in the neighborhood that they do not like and want to target.* The grandmother of another incarcerated youth summed up the black community's perceptions regarding the lawlessness of the Chicago police, stating: *To us, they're just another gang.*

Police officers perform vital, dangerous jobs, and most are law-abiding. However, Chicago also has a lengthy history of systemic police brutality and misconduct, particularly in minority communities. The crisis in police legitimacy given this history has been publically acknowledged by Chicago Police Superintendent, Garry McCarthy, stating: "Police legitimacy ... really revolves around the issue of how you treat people is sometimes is more important than what you are actually doing because it has to do with the perception that the individuals will have...A bad encounter will be a life-long lasting event in somebody's mind...That's especially true with minority communities... [because there is] a historic divide between police departments and communities of color."⁴

While youth that we interviewed did not directly reference cases in the media of police wrongdoing, parents and family members were keenly aware of these, and specifically referenced recent cases where Chicago police tortured African Americans during interrogations or extorted money from arrestees.⁵ Under the circumstances, it's fair to assume that many youth have at least indirect knowledge of this history of police corruption through their families and communities, if not through the media.

Most youth reported having personal experiences of being unfairly stopped, harassed, and abused by police, or witnessing family members or other people in the neighborhood treated in a similar fashion.⁶ One youth, Ben, described an instance of being beaten by police officers. Another youth, Travis, related a story in which the police stopped him for no reason as he was walking to the store, handcuffed him, drove him to a remote location, and dropped him off in rival gang territory. Parents and guardians of incarcerated youth all similarly reported instances of their children being beaten, harassed or treated unfairly by the police. The mother of one youth indicated that from about the age of ten onward, her sons were routinely stopped by the police when they were walking to school.

Overall, the youth that we interviewed displayed a dull, but bitter resignation that the police could stop, question, and search people at any time, regardless of whether they were doing anything wrong. Calvin explained matter-of-factly: *It's a normal part of daily life for the police to mess with you for no reason, but you just have to learn to live with it.* Another youth, Travis, was more explicit about his feelings of anger and hostility towards the police, whom he saw as

having destroyed his family. As he explained: *[The police] took my whole family from me—mother, father, uncle—and locked them up.*

A significant source of distrust and disillusionment was the experience of being misled and lied to by police. Despite youth and parents' general cynicism regarding the police's perceived lack of integrity, they expressed genuine shock that police officers, acting in their official capacity, would lie overtly, with impunity. Two youth said that they agreed to sign statements because the police lied to them and told them they could go home if they did so. Of the six parents we interviewed, all reported instances of the police falsely informing them that their children were not in custody to keep parents from seeing children during questioning. None of the youth that we interviewed had the assistance of counsel during police interrogations.⁷

In dealing with the police, some family members believed the best tactic for protecting their children was to try to be as compliant as possible, no matter how disrespectful or dehumanizing the police conduct. As the mother of one youth expressed: *Even if you feel like you are about to explode inside, you just have to keep saying, 'Yes, Sir' and 'No, Sir.' Otherwise, they will take it out on your child.* But the grandmother of another youth was of the opposite opinion, and believed resistance was the only viable option. As she expressed: *Parents need to stop it before it starts. They need to stand up to the police. It will stop the brutality. As long as you are scared of them and run, they will keep doing it. I dare them to lock me up. I will speak my mind. Parents need to stand up for their kids. The law says he's innocent until proven guilty. Parents need to get that in your mind.*

Courts and Counsel

The youth that we interviewed all believed their court proceedings were procedurally unfair. Most youth felt that they had no voice in their court proceedings whatsoever for the basic reason that they did not understand what was happening in court most of the time. They described feeling powerless, terrified, angry, and hopeless because they did not comprehend what was happening and had no means of getting information about their cases. As one youth, Calvin, summed up: *No one tells you nothing. No one will talk to you.*

The most prevalent complaint that we heard among youth was that their attorneys routinely failed to communicate with them. Staff who worked with youth in pre-trial custody similarly reported a pervasive pattern of attorneys (both public defenders and private counsel) not returning youths' phone calls, visiting, or taking the time needed to explain things adequately. Notably, these reports are consistent with findings made in a 2007 study by the National Juvenile Defender Center and Northwestern Law School's Children and Family Justice Center examining juveniles' access to counsel in Illinois.⁸

Youth indicated that communication with their counsel most often consisted of attorneys speaking to them hurriedly for only a few minutes before or after court calls. The majority of youth that we spoke with indicated that they lacked even a basic understanding of criminal court proceedings. Staff who worked with youth confirmed this was overwhelmingly the case. To illustrate, a staff member described how some youth returned from court excited that indictments had been filed against them because they had no idea what indictments were. In JHA's own work

conducting monthly legal literacy education clinics at the JTDC for youth prosecuted as adults, the questions we commonly encounter from youth likewise reveal a lack of basic understanding of the courts and legal processes: What is pre-trial?; What is discovery?; What does continuance mean?; What happens at a trial?

A public defender that JHA interviewed confirmed that, compared to representing adult clients, representing youth in criminal court requires a tremendous amount of extra time and effort because youth do not readily understand and absorb basic legal concepts in a short conversation, but must have things broken down and explained multiple times. In addition, because youth are prone to agree with authority figures, attorneys must take extra care to ensure that young clients actually understand what is being said and are not simply nodding in agreement. However, heavy attorney caseloads and limited time, coupled with lack of attorney training on how to communicate with young clients, often prevent clear communication.

Neither youth nor family members that we spoke with perceived the courts as neutral or trustworthy. Racism was seen as being a pervasive factor in the criminal justice system as a whole. The mother of one youth observed that she never once saw a white child during the two years she visited her son in pretrial custody at the JTDC. Objective data confirms the validity of this parent's anecdotal observation. Between 1999 and 2001 in Cook County, over 90 percent of youth affected by the automatic transfer laws were youth of color. Between 2010 and 2012, only one out of a total 257 automatic transfer cases in Cook County involved a white youth.⁹

Another youth, Angie, made these observations regarding her experience of racism in the courts: *It's funny. I'm 17, in prison for 14 years for robbing a cell phone off of someone I knew. It was wrong, but there wasn't no gun and I gave the phone back later. But that white guy shoots a black kid in Florida and gets no prison [referring to the widely publicized case involving the shooting of an African American youth, Trayvon Martin]. You know what that tells me? A cell phone is more important than a black kid's life. And I'm supposed to be the crazy one.*

Many youth and parents believed that police, judges, prosecutors and public defenders were working together and had an economic incentive to convict and imprison as many people as possible, especially black defendants. One youth, Travis, indicated that he pled guilty because he saw no point in fighting the charges since he could not get a fair, unbiased trial. He explained: *It seemed like the prosecutor was running the whole show, and him and the judge acted like best friends in court.* Another youth, Emma, concluded: *The fix is in once a defendant is charged because the judge, the prosecutor and the public defender get more money if a person goes to prison.* The parent of one youth believed: *A head count is kept because the more kids that are sent over, prosecuted as adults, and sent to prison, the more money everyone gets. It's all about money and locking people up.* In support of this view, she recalled an incident at the jail when she overheard an officer say, "How many pounds of niggers do we have to send over to them?"

From the perspective of system stakeholders or outside observers, this extreme level of distrust and sense of illegitimacy may seem paranoid and without basis. However, these kinds of beliefs are firmly rooted in the recent past. From the racist-urban planning that essentially created impoverished black communities like Chicago's North Lawndale, to the city's legacy of corruption, abuse, and police torture, the history of law enforcement's relationship to black

communities have given people ample reason to be suspicious of the government.¹⁰ The chords of this past continue to echo in the present. For instance, *The Chicago Tribune* documented in “Trial and Error,” a five-part series on prosecutorial misconduct published in 1999, that in the 1970s some Cook County Assistant State’s Attorneys engaged in what they called the “Two-Ton Contest,” which was a game “to see who would be the first to convict defendants whose weight totaled 4,000 pounds.” *The Tribune* reported that “because most of the defendants were African-American . . . the competition was described in less sensitive terms behind closed doors— ‘Niggers by the Pound.’”¹¹

Law and Punishment

Youth that we interviewed were all unaware that they could be prosecuted as adults prior to their being prosecuted under Illinois’ automatic transfer laws. Youth also did not know the severity of the sentences for most gun offenses. On learning that armed robbery with a firearm carried a minimum sentence of 21 to 45 years imprisonment, youth described being shocked and terrified. Some contemplated suicide. Most chose to plead guilty to lesser charges (even those who believed they were not guilty) because they felt they could not risk that much prison time. Youth felt that the sentences for gun offenses were disproportionate and unfair because they failed to take into account the reality and ubiquity of guns in the neighborhoods that they grew up in, and youths’ immaturity.

Angie remembered when she first learned at age 15 that she was facing a minimum 21-year sentence for armed robbery with a firearm. In Angie’s words: *My world fell apart.*

Angie agreed to plead guilty to the lesser offense of armed robbery-no firearm and a sentence 14 years even though she had not actually used a gun. On the one hand, she felt relief pleading guilty because she wanted the case to be over and knew that she could get out of prison while she was still fairly young. On the other hand, she recalled: *It felt like a piece of me was dead. I knew that going away to prison for 14 years meant that I would never get to be a normal kid again.* Angie worried too that she would be developmentally stuck at age 15 — the age when she was

How Young People Are Transferred into the Criminal Justice System

The American justice system separates juveniles from adults in two basic ways: age and transfer.

In a majority of states, juvenile jurisdiction ends at 17, meaning that young people who are charged with an offense on or after their 18th birthday will be handled in the criminal justice system.

All states have laws that also enable youths who would still be under the jurisdiction of the juvenile justice system to be transferred to adult court in certain cases.

There are three kinds of statutory transfer mechanisms: 1) Judicial waiver: these laws enable juvenile judges to waive jurisdiction over individual cases; 2) prosecutorial discretion or concurrent jurisdiction: these laws specify certain kinds of cases over which prosecutors have the sole power to decide to try in juvenile or adult court; and 3) automatic transfer or statutory exclusion laws: these laws give the criminal justice system exclusive jurisdiction over certain kinds of cases that meet statutorily designated age and offense criteria.¹²

first arrested placed in custody for armed robbery — since she did not have access to education in prison. Angie explained that to try to counteract this and educate herself, she kept a dictionary in her cell and taught herself three new words every day.

Guns and violence were a routine part of life for youth growing up. Most youth saw carrying a gun as an unfortunate but necessary precaution to survive and protect themselves in dangerous environments. As Ben explained: *Everyone knows you can go to prison for one to three years if you get caught by the cops with a gun, but there's no choice. There are threats on every block and you need protection. Between dying and going to prison for being caught with a gun, most people would choose prison.*

Ben reflected that he and everyone he knew had lost many people they loved to violence or prison. At the time of the interview, one of Ben's closest friends had recently been shot and died at age 15. Ben observed: *It turns your heart cold when you lose so many people. You don't want to get attached or fall in love or have friends because they will just be ripped away.*

Speaking of his experience growing up in the Robert Taylor Homes, another youth, Travis, observed: *Everyone had a gun. You needed a gun in a fight so you could show it to the other guy and walk away.* Travis saw people gunned down and was routinely exposed to violence growing up. He reflected: *I wish [the gangs] would return to a time when they used fists and beat downs to settle scores, and got rid of the guns. Now it's just I shoot you first, or you shoot me. It's all bad.*

Another youth, Angie, similarly stated: *It's kill or be killed. You need a gun to keep people from trying to kill you. But if people know you carry a gun, then they won't mess with you or fight you. People outside [the neighborhood] don't understand that.* Angie saw many of her friends die from gun violence or sent away to prison, but felt this was a normal part of life.

All six youth described using drugs and alcohol from an early age as a means to deal with trauma, loss, shame, rage, grief, and depression. Desperate poverty and social and familial instability (often preceded by parents' or family members' job loss, imprisonment or drug and alcohol abuse) were constant sources of stress and anxiety in many youths' households. Two youth recounted that they began selling drugs during their pre-teen years to help support themselves and their families. Ben, who had sold drugs to help financially support his family, explained that he hoped to go college and get a job after he got out of prison. He emphasized in the interview: *I really want to do better.* However, he worried that he might have to return to selling drugs because jobs were hard to come by, especially for felons. Having grown up in extreme poverty and seeing his own mother constantly struggle to feed, house, and clothe her children, Ben's top priority was to ensure that his own twin sons (whom he fathered at age 15) never wanted for anything. As Ben explained: *[I won't] end up a deadbeat like my dad. I'll do whatever it takes [to take care of my family], even if it means selling drugs again.*

Most youth described having some degree of gang involvement or gang contact. For many, gangs served as an important source of economic, social, and emotional support in the absence of other resources growing up. For instance, Ben recounted a time when gang members helped him and his mother out, giving them some money and food when their family was completely

destitute. He was grateful to them for that and felt that he owed the gang, so he still remained loyal to them.

Another youth, Angie, who suffered neglect and abuse in her grandmother's home, relied on the gang as her family and main source of support. In Angie's words: *They had my back and I had theirs. When you have no family or love or protection, a gang gives you that. Some kids join just to earn money, but a lot do it because they want a family.*

Another youth, Travis, also noted that it was unfair to expect youth to disassociate from and not hang around or socialize with people in gangs when lots of kids' parents, family members, neighbors, and loved ones were in gangs or had been in gangs in the past. He worried that he would not be able to find a place to live when he was released on parole since parole regulations prohibited people from associating with gangs, but most of Travis's family were in a gang or had been gang members when they were younger.

At the same time, gangs and gang violence were also described as being a major source of fear, trauma, and stress for youth. For instance, Ben related that he dropped out of alternative school and stopped attending school altogether after age 16 because the school to which he was assigned was in a faraway neighborhood that was full of rival gang members. Travis similarly recalled that when he was growing up in the Robert Taylor Homes, he often felt torn because on the one hand he wanted to go outside and play with his friends, but on the other hand he was afraid of leaving the apartment because he knew he might be shot if caught in gunfire.

Incarceration

With respect to punishment, youth described imprisonment, particularly the transition from juvenile facilities to adult facilities, as being extremely traumatic, negative, and counter-productive. Youth who spent time in pre-trial custody at the JTDC generally had positive things to say about their experiences there, especially as compared to Cook County Jail and Illinois' adult prisons. At JTDC, youth described spending most of their time out of their cells, attending school, and participating in extracurricular activities. They received individual and group mental health and behavioral therapy and saw their families regularly. Also, unlike at adult jails and prisons, youth indicated that there was little gang activity at JTDC.

Conditions that youth experienced in adult jail and prison were dramatically different and much harsher than in juvenile facilities. Youth rarely saw their families and were locked in their cells much of the time, some youth for as many as 23 hours a day. Regular behavioral and mental health interventions did not occur, and youth did not have staff members or staff relationships that they felt they could trust and confide in. As Travis described: *Staff [at the JTDC] were cool, treated people good and would talk to you, but staff [in adult jails and prisons] treat people like nothing.*

Seventeen-year-old Emma recalled of her time at Cook County Jail: *I felt like an animal. The cells were dirty and nasty and had biting bugs. Food was mostly bologna sandwiches.* Emma's only relief was being able to attend school in Cook County Jail because for the few hours a day she was in class, she could pretend she was not in jail.

Most of the youth that we spoke with in adult prisons did not have work assignments and were not attending school due to waitlists or administrative concerns that they would be victimized by older inmates. Consequently, they were extremely bored, lonely, and isolated. Some contemplated suicide. Many youth also described feeling hungry and underfed in jail and prison. Calvin, who came from a very poor family, described how he could not afford to buy adequate hygiene products. When he first transferred to an adult prison at the age of 17, he initially was housed with a 31-year-old cellmate and kept with the general adult population. Inmates began picking on Calvin and calling him “dirty” and “smelly” because he couldn’t afford to buy enough deodorant, soap, and toothpaste. Calvin tried to “sell” food items from his meal trays to other inmates in exchange for extra hygiene products. Eventually, Calvin got into a physical altercation with an older inmate, which landed Calvin in segregation. There, he remained in his cell 23 hours a day with almost no social contact.

The initial transition for youth in going from juvenile facilities to adult jails and prisons was described as particularly frightening and isolating. Some youth recalled being teased by prison staff that they would be abused or sexually assaulted by older inmates, which heightened their panic. Calvin recalled that when he was transferred to Cook County Jail from JTDC on the morning of his 17th birthday, he was placed in a bullpen with hundreds of older adult inmates for 15 hours before being assigned to a cell in Division 11 (the unit at Cook County set aside to house youth under age 18). He tried to look tough around the older inmates, but he felt panicked and terrified inside. During the entire 15 hours Calvin spent in the bullpen, he held his bowels and did not go to the bathroom because he was afraid of being attacked or sexually assaulted.

Jordan explained that the biggest lesson he took away on being transferred from juvenile to adult prison was: *To survive and adapt, you have to show no weakness. You learn that what makes you respected in here [in prison] does not make you a good person out there. You learn that the things that make you a good person on the outside, like forgiveness and mercy, will get you killed in here. You either have to play the game in here or you will be played by it.*

Angie similarly described that her experience of being in adult prison reinforced her belief that the world was a threatening place. She explained: *It’s a matter of kill or be killed [in prison and out on the street]. It is dangerous to walk away or hold back in a fight because people will just keep coming after you, trying to hurt you again.*

Youths’ Recommendations on Improving the Criminal Justice System

At the conclusion of the interviews, JHA asked the six youth to give their opinions and recommendations on how young people who commit serious offenses should be punished and treated, and how the criminal justice system could be made more equal and fair.

As a group, the youth all expressed remorse for breaking the law and believed that they should be punished. However, they all believed that punishing young people the same way as adults was fundamentally unfair and destructive. They further believed the sentences they received were disproportionate, and failed to adequately take into account their youth and individual circumstances. Interestingly, many of the youth we interviewed independently developed a shared recommendation that re-interpreted juvenile life without parole sentences through a literal

understanding of the terms. While the youth believed that being sentenced to juvenile life without parole was a fair punishment, they believed the sentence should terminate when a person turned 21 so that he could have a fresh start as an adult. Youth were also strongly of the opinion that young offenders—under the age of 25 or 26 — should be housed separately from older offenders and given the opportunity for education and job training.

Here were youths' responses:

Jordan: *People make mistakes when they are young. You are conscious, but you are not intelligent. America is supposed to be all about second chances. But when you tell a child it's all over with and you can never live a normal life, it goes against that. Young people grow and change. Everything does. Even the grass grows. But you should not lock kids away in prisons. If they were messed up before, they will be even worse when they get out. Kids need a place and an outlet to cultivate their intelligence and substance, and develop a sense of self and heritage and culture. Minority kids in particular are susceptible to the disease of nothingness. The world is a five block radius and there is nothing else outside it and they feel explosive. Life is so degraded and devalued. You just want instant gratification, what you want, when you want it. And that leads to bad choices. But the rebellion of youth is just a season, not a whole life. Kids have emotional outbursts that lead to horrible situations. We're not plotting to do bad things. Don't get me wrong, some 16 and 17 year olds are stone cold killers. If someone is sadistic, then don't give him a second chance. Give that that guy the death penalty. But most guys are not like that. Most kids should be given a second chance and an opportunity to start over while they are still young. They don't even know who they are. They can be rehabilitated, but not with years and years in prison.*

Ben: *Treat teenagers who commit serious offenses as juveniles and let them start over at 21 by giving them juvenile life sentences. It's not kids' fault. They have no choices. Older guys take care of them and make the choices for them.*

Travis: *Make sure that young people have good attorneys who take time to communicate and explain things; and make sure that young people can visit with and talk with their families regularly because being away from family is very hard when you are young. People should think about what they would want to happen if it was their own son who messed up. If a person commits a serious offense as a juvenile, he should be given juvenile natural life without parole so he can finish his sentence and restart his life when he turned 21.*

There should be separate correctional facilities for young offenders under age 25 or 26 where they will be given a chance and an education, and put through a boot camp program. Young people don't know what they are doing. They don't understand all about right and wrong yet. They need a chance to work through it. We are still young in our minds and get misguided. Young guys get in trouble because they try to do what the big guys do.

A lot of older offenders unlike younger guys have given up on life and quit trying to change. They have nothing to look forward to. You are a fool if you don't hope and look forward.

Emma: *I wish they had treated me like a juvenile, like my sister. Or maybe they could have let me go to boot camp or given me a shorter sentence, like six years since I never did anything like this before. When bad things happen to young people, they sometimes do bad things in return. But oftentimes, they do this because they are hurting. People should give these young people a chance, give them some help, don't just send them away.*

Angie: *Young people who commit serious crimes should be treated like juveniles, except in really bad cases like if a kid did a premeditated murder on purpose. It makes young people worse to lock them up with adult inmates because young people have more capacity than adults to change and learn. Special correctional facilities or living units should be set up for young adults so that they can go to school, work, grow up, and be normal.*

Calvin: *Young people should be punished when they hurt people and break the law, but they should be kept in places like the JTDC where they are helped, and they should not be kept with adults. People need to remember that kids are still growing up and figuring things out and we won't be the same forever.*

Terminology and Methodology

What defines and distinguishes a person as a “juvenile” under the law as opposed to an “adult” is highly technical and depends upon the age of the offender and the nature of the offense charged as defined by law. Depending upon the nature of the offense, the offender’s age, and the particular state statute in question, a youth may be deemed an “adult” and subject to criminal prosecution when they are as young as 12 years old.¹³

To avoid confusion, this report does not use bright-line statutory definitions for “juvenile” and “adult.” Rather, we use the term “juvenile” in its general, ordinary sense to describe pre-trial detention facilities, prisons, and courts which recognize and treat young people as a special class in need of special protections and treatment because of their youth, immaturity, and vulnerability. Similarly, the terms “adult,” “criminal” and “criminal justice” are here used to generally describe jails, prisons, and courts that are designated for grownup offenders – that is, offenders who are presumed to have attained full adult maturity and capacity, such that their youth is no longer treated as a relevant, distinguishing factor triggering special protection.

Finally, this report uses the term “young offender” to describe the class of young people in middle to late adolescence, roughly between the ages of 15 and 25, who are still undergoing significant mental maturation and brain development.¹⁴ This terminology more accurately reflects the prevailing scientific view that adolescent/young adult brains are still developing during this time period, and impulse control, judgment or decision-making capacity are not fully matured. Legal statutes that variously and arbitrarily define and set cut-off points for “juveniles” between the ages of 12 through 21 are problematic because they are not based in scientific knowledge, and do not reflect the reality that cognitive and neurological maturation from adolescence to adulthood occur along a continuum up until about the age of 25.

The only criterion for participation in this study was that the person was under the age of 18 when he or she was charged and prosecuted in criminal court. JHA identified and invited some

study participants to be interviewed based on our random review of Illinois Department of Corrections' records indicating that a person's charge/age/ date of conviction made him or her eligible under the study's criterion. Other study participants were identified by talking with inmates during the course of JHA's regular prison monitoring visits or were specifically referred to us as potential interviewees by prison administrators.

Each private interview lasted approximately two hours. All six participants were in custody at the time of the interviews. Accordingly, interviews were variously conducted in attorney visiting rooms, dayroom areas or administrative offices at the prisons. Security staff were present in the general vicinity and in visual contact, but were outside of hearing range during the interviews. In appreciation for the participants' time and assistance, JHA paid \$35.00 into each participant's prison trust fund account. As part of our informed consent protocol, JHA also advised participants that they could terminate the interview at any time, refuse to answer any question or part of a question, or retract their consent and eliminate themselves from the study without forfeiting the \$35.00 payment. Study participants' names have been changed in this report to protect their privacy and were also omitted from all interview materials. Tape recording of the interviews was not permissible in prison, but wherever possible participants' own words are used in setting forth their accounts.

As part of its ongoing case study project, JHA also has conducted, and is continuing to conduct, similarly-structured, confidential interviews with parents and family members of youth prosecuted as adults; public defenders, private counsel, prosecutors and judges involved with these youth; and the clinical staff who treat these youth in custody. Portions of some of these interviews appear in the instant report. In addition, focused case studies that separately document the views, experiences, and opinions of each of these groups of stakeholders will be published by JHA in forthcoming reports.

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Finally, JHA thanks the staff, attorneys, youths' families, and, most of all, the six young people interviewed for this report who candidly and courageously agreed to share their deeply personal, often painful insights and experiences in the hope of improving the criminal justice system for others.

Appendix: Youths' Individual Accounts

Travis's Story

[The police] took my whole family from me - mother, father, uncle - and locked them up.

Travis, a 17-year-old African American male, grew up in extreme poverty in neighborhoods on Chicago's South Side. When Travis was very young, his father was sent to prison on a 14-year sentence. As a single mother working a full-time job, Travis's mom did not have enough time to care for Travis, his two brothers, and his little sister. From a young age, Travis learned to cook and clean and take care of himself and his siblings.

When Travis was still in grade school, his mother was arrested on a drug charge and sentenced to five years in prison. Travis was sent to live with his aunt in public housing at the Robert Taylor Homes. As a child growing up in the Robert Taylor Homes, Travis often felt torn because on the one hand he wanted go outside and play with his friends, but on the other hand he was afraid that he would get shot or hurt. Life at Travis's aunt's house was chaotic, crowded, and stressful. Travis's aunt was raising about ten other boys by herself, including her own children and the children of other friends and family members who had been sent to prison. Travis's uncle was also incarcerated at the time.

Death was a normal part of growing up in the Robert Taylor Homes. Travis saw people gunned down and was exposed to violence routinely. In the neighborhood, everyone had a gun. Travis explained: *You needed a gun in a fight so you could show it to the other guy and walk away.*

There were guns in Travis's home too. Travis remembered playing hide-and-seek one time as a kid and finding a gun under a bed in his house.

When Travis was about six or seven, he starting getting into fights often. He liked school, but he felt hyper all the time. It was hard to sit still all day in class, when being outside, gangbanging, and hanging out with older guys seemed a lot more exciting. At about the age of eight, Travis was kicked out of school for the first time after he beat up an older boy while trying to protect his cousin. The police came to the school, arrested Travis, and took him to the police station, but released him later that day. At age 12, Travis was again arrested by the police and kicked out of school for getting into a fight on the bus.

As a child and as a teenager, Travis moved back and forth between different households and different schools frequently, sometimes living with his aunt, sometimes with his grandmother. By age 12, Travis was hanging out with a gang, which was natural to him, since most of Travis's family members were gang members or former gang members. At age 12, Travis also began using drugs and alcohol. He was arrested and placed in the juvenile detention center a number of times during his early teenage years, but the most time he ever spent in detention was about a month. Possessing marijuana as a juvenile was not a big deal, and even if it was crack or heroin, Travis knew he would probably just get probation.

Travis felt deep hatred and distrust for the police. He explained: *They took my whole family from me—mother, father, uncle—and locked them up.* Other people in the neighborhood felt the same way since the police took away and had locked up their families too. The police often harassed Travis and other people in the neighborhood, and it was well known that they would plant drugs or guns on people they wanted to target. Once, when Travis was walking to the store, the police picked him up, handcuffed him, and dropped him in another neighborhood far away, so he had to find his way home through rival gang territory.

Travis believed that things had gotten worse and more violent since the police locked up all the old gang leaders and broke up the old gang hierarchies. He felt the old gang leaders had helped the neighborhoods keep some degree of social order in the past. Travis explained: *The police might not have liked them, but they kept things more in control and there was structure. It wasn't safe, but it was better. Leaders of the gangs had some mutual respect for each other and they could even kick it together. For instance, if young guys did something stupid and reckless or shot at someone for no reason, the old gang leaders would put them in place and punish them. A lot of times, the older gang leaders acted like parents to younger guys, and made them go to school, stressing it was important to learn something. They would give younger guys a beat down if they kept skipping school.*

Travis believed that without the older gang leaders to control things. He explained: *Young guys now run wild and shoot at each other over anything— money, someone took your girlfriend, you shot at me once before.* He noted that there was nothing for kids to do in the neighborhood but gangbang anyway because they had closed down all the gyms and recreation centers. Travis explained that while in the past a single gang would control a large chunk of territory in a neighborhood, now the neighborhoods were divided into small gang cliques and there were rival gang factions on every block. Travis wished he could return to a time when gangs used fists and

beat downs to settle scores, not guns. He concluded: *Now it's just I shoot you first, or you shoot me. It's all bad.*

When Travis was about 14, he went to live with his mom in Indiana once she got out of prison and found a job. That year, Travis stole a car on impulse. He did not plan on keeping the car; he just wanted to see what it was like to drive. Travis was arrested, charged, and sentenced to probation. Travis's mother lost her job that year, so she and Travis returned to Chicago to live with his aunt. An arrest warrant was issued for Travis in Indiana for violating probation.

At the age of 16, Travis was arrested for armed robbery with a firearm and armed violence. He remembered the day of his arrest because it was his mother's birthday. The police took Travis to the police station and questioned him without a parent or guardian present. Travis was high and drunk at the time. He remembered the police telling him his *Miranda* rights, but he did not ask for a lawyer because he was worried that it would make him look guilty. At first, Travis thought that he would be treated like a juvenile, as he had before, and that the police had just picked him up for violating his probation.

The police held Travis for several days and questioned him. They would not let him make any phone calls or contact his mom. Around the second or third day, the police called Travis's mother to come to the police station. Travis remembered hearing over a police intercom at that time that he should be sent to the homicide unit to be questioned. His mother heard it too and began crying. The police tricked Travis and his mother into having him sign a statement admitting to armed robbery by telling them that Travis could go home if he did. Travis rushed to sign the statement because he was scared and believed that if he did not sign it, the police would try to charge him with a murder.

While awaiting trial for armed robbery, Travis was first sent to the Cook County Juvenile Temporary Detention Center (JTDC). He was there for almost a year but, on turning 17, he was transferred to Cook County Jail. Even though Travis had good conduct and was doing well at the juvenile detention center, Travis's attorney did not seek a stay asking the court to allow Travis to remain at the juvenile detention center while in pre-trial custody rather than being transferred to the adult jail.

At first, Travis was represented by a public defender. The attorney never visited Travis at the juvenile detention center or at jail, and he did not return Travis's calls. Communication between Travis and his public defender instead consisted of 30 seconds of rushed conversation between court calls. Later, Travis's family scraped together enough money to hire a private attorney. However, contact and communication with the private attorney was just as bad as with the public defender. The private attorney did not return Travis's phone calls, visit him in jail, or take time to explain what was going on in the case. Travis had a general sense of what was happening in court because of his prior juvenile cases, but he still had many questions. When he tried to ask the judge a question at one court call, the sheriff ordered Travis to be quiet, so Travis did not try to ask questions anymore. To Travis, the whole process was unfair. Every court date was the same thing—the attorneys just asked for a continuance and would not tell Travis anything about what was going on.

Life at Cook County Jail was very different and much harsher than at the JTDC. The morning that Travis first arrived at the jail, he initially was put in a holding pen by himself, but the pen soon filled up with older adult inmates. Travis was afraid, but he tried to calm himself down by giving himself a pep talk and repeating over and over in his head: *Be cool. Go with the flow. No time to cry now, whatever happens.*

At the JTDC, Travis had attended school, saw his family regularly, participated in activities, and received mental health treatment and behavioral and group therapy. At Cook County Jail, Travis was rarely allowed to leave his cell and no longer saw his family every week. He was placed on a waitlist to attend school because there was not enough class space. The staff at the jail treated people much worse than at the juvenile detention center. Whereas the JTDC staff were cool, treated people good, and would talk to you, the jail staff treated people like nothing.

Shortly before trial, Travis's attorney informed him that he faced up to 80 years in prison unless he agreed to plead guilty to a lesser charge of armed robbery-no firearm and a sentence of 15 years. Travis decided to plead guilty instead of going to trial because he just wanted it to be over, and he knew that he would kill himself if he got 80 years. He also felt that there was no point in trying to fight the charges and prove his innocence since the prosecutor was running the whole show. The judge and the prosecutor acted like best friends in court, and the judge just agreed with everything the prosecutor said. Under the circumstances, Travis believed there was no chance for a fair trial.

After being sentenced, Travis was sent to the Northern Reception and Classification Center at Stateville prison. He lived there for two months in segregation conditions, where he was locked in his cell 23 hours a day and allowed no family contact. After two months at the reception center, Travis was sent to his parent facility, a mixed medium/maximum security adult prison. He had hoped to attend school and get his G.E.D. once there, but there was not enough class space, so he again was put on a waitlist. Travis was deeply discouraged that he could not attend school and strongly believed that anyone in jail or prison who wanted to get an education should be allowed to do so. Travis reflected: *If you lock people up and don't teach them something, it's a lose/lose situation.*

Travis spent the majority of his time in his cell in prison. He tried to stay positive by thinking about the good things he could do when he got out. He also tried hard to keep himself busy by reading books, composing songs, and writing in a journal. He sent his writings to his mother and his girlfriend so that they would stay connected with him. Travis hoped to go to college and get a job after prison, as one of his older brothers had done. He felt very guilty about getting locked up because he had promised his little sister that he would take care of her and would not go away to prison.

Travis was worried that he would not be given a second chance when he got out and that, even if he found employment, he would be stigmatized because of his prior criminal history and immediately fired if anything ever went missing or wrong on the job. The thing that Travis most wanted was to help financially support his family and make his mother happy once he was out of prison. But he worried that he wouldn't be able to find a place to live when he got out as most of

his family members had been in gangs, and conditions of parole prohibited parolees from associating with gang members.

Travis reflected that the two things that could greatly improve the humanity and fairness of the criminal justice system would be to: (1) make sure that young people have good attorneys who take time to communicate and explain things; and (2) make sure that young people can visit with and talk with their families regularly because being away from your family is very hard when you are young.

When asked what should happen to young people who commit serious crimes, Travis answered that people should think about what they would want to happen if it was their own son who messed up. When Travis's cousin committed a serious crime as a juvenile, he was given juvenile natural life, so he would finish his sentence and restart his life when he turned 21. Travis thought that this sentence made more sense and was fairer than sending teenagers to adult prison.

Travis believed there should be separate correctional facilities to house young offenders under age 25 or 26 where they would be given a chance, provided with an education, and put through a boot camp program. He explained: *Young people don't know what they are doing. They don't understand all about right and wrong yet. They need a chance to work through it. We are still young in our minds and get misguided. Young guys get in trouble because they try to do what the big guys do.* Travis observed that lots of older offenders, unlike younger guys, had given up on life and quit trying to change: *They have nothing to look forward to. You are a fool if you don't hope and look forward.* This difference in outlook towards the future was another reason Travis felt that it was a bad idea to house young offenders with older offenders.

Jordan's Story

The rebellion of youth is just a season, not a whole life.

Jordan, an African American male in his mid-20's at the time of the interview, grew up in Chicago for the first eleven years of his life. He was the middle child in the family, having one older brother and one younger sister. They lived with their father and mother. Jordan's father grew up in gangs and was in prison much of his life. Jordan never had a good relationship with his father. He recalled of the time when his father lived with the family: *It was rough. He beat the hell out of us.*

When Jordan was about nine, his father abandoned the family. Jordan's mother decided that the best thing would be to move with the kids to suburbs so they could grow up in a safer neighborhood. Jordan was glad to leave the city, and wanted to move to the suburbs as soon as possible. The move was good for the whole family and for Jordan in particular. Unlike the city neighborhood that Jordan grew up in, the suburbs seemed less callous and hardcore, and Jordan felt more at home and respected and liked for who he was.

Jordan's mother tried to make up for the past and turn her life around by becoming a strict Christian. She tried to cater to and baby Jordan, but this made things worse because Jordan felt a lot of anger and aggression inside. Still, life in the suburbs was much better than in the city.

Looking back, Jordan believed that moving to the suburbs was critical because it allowed him to let down his guard and develop into a more perceptive and sensitive person who was conscious of people's emotions.

At age 14, Jordan began hanging out the wrong crowd, who were older guys in gangs in the neighborhood. As Jordan described himself at that time: *I was just a kid who reacted, but not in an intelligent fashion.* When Jordan's best friend died, Jordan pulled back from the streets and stopped hanging out with the gang. People who used to be his friends started to bully him. At one point, three guys that he used to hang out with jumped on him and gave him a beating.

At the age of 15, Jordan's life changed forever when he was charged with first-degree murder after he and an older boy, who was Jordan's friend, got into a violent altercation. During the fight, the friend began chasing Jordan around the neighborhood. Jordan called his mother on his cell phone to ask for help, but the friend caught up to Jordan and pulled a knife. During the ensuing struggle, Jordan stabbed his friend.

Immediately after the incident, Jordan's mother called the police and took Jordan to the police station to explain what happened. Jordan was at the station for hours. While he was there, his friend died in the hospital. At that point, Jordan was charged as an adult with first-degree murder. Jordan recalled: *It was unreal, like watching a movie. I felt numb. For all the animosity, he was still my friend. I was godfather to his child.* The only thing that made Jordan feel better was that his mom understood he acted in self-defense and did not mean to kill anyone.

During the pre-trial period, Jordan was first sent to the Cook County Juvenile Temporary Detention Center (JTDC), where he stayed for about a year and half. He had some missteps at first. He was jumped by some kids once, and didn't retaliate the first time. He learned from that experience that you have to respond if you are attacked or you will be victimized by bullies. Life in the juvenile detention center ultimately was fairly easy to navigate for Jordan because he was the biggest kid there. Also, unlike adult facilities, there wasn't much gangbanging going on.

At the age of 17, Jordan was transferred to Cook County Jail. Young and old inmates were mixed together, and life there was very different than at the JTDC. Gangbanging was going on everywhere in the jail. Jordan had been scared to be transferred to adult jail and mixed in with older adult offenders. However, the thing that frightened him most was not the people, but himself. He worried that he would lose hope, lose his identity, and not be the same person after going to adult jail.

Jordan's mother was able to hire an experienced criminal defense attorney who was a friend of the family to represent him. The attorney tried to persuade the prosecutor to allow Jordan to plead to a lesser charge, but the prosecutor refused. Jordan was tried as an adult for first-degree murder, although he was only 15 at the time of the offense. At a jury trial, Jordan asserted self-defense, but was found guilty of first-degree murder. The judge sentenced him to the minimum sentence of 20-years imprisonment at 100 percent time. Jordan recalled that the judge seemed indifferent to the entire proceeding. Jordan's take-away from his court experience was: *The whole justice system was just about efficiency, and had nothing to do with people.* Jordan

observed that since people had been forgotten, and the whole focus was solely on locking people up — the prisons were now bursting at the seams.

Jordan noted that it was human nature to forget, and he did not expect anyone to care what happened to a 15-year-old black kid who had been convicted of murder because it was a matter of out-of-sight, out-of-mind. He observed that the public had a short attention span even with the most sympathetic people, like the girl who was raped by football players in Steubenville, Ohio, and they stopped even caring about that girl after one news cycle.

After his conviction, Jordan was sent to an adult correctional facility. There, he learned that to survive he had to adapt and show no weakness. Jordan reflected: *You learn that what makes you respected in here does not make you a good person out there. You learn that the things that make you a good person on the outside, like forgiveness and mercy, will get you killed in here. You either have to play the game in here or you will be played by it.*

At one point, Jordan got into a fistfight with an older inmate. While a correctional officer was trying to break up the fight, Jordan hit the officer and was sent to a maximum-security, long-term segregation unit as a result. There, he experienced and saw others experience suffering in ways that he never imagined. He witnessed men in long-term isolation lose their minds, and degenerate, screaming, mutilating themselves and smearing their own feces on the wall. Jordan said of the experience: *Those guys are lost and they are not coming back. Even if they get out and go home, a piece of them is gone, and it's never coming back.* Jordan struggled to keep his own sanity during this time by thinking to himself: *What if my mom was watching me? What would she think if she saw me losing it and acting like that?*

To survive prison and solitary confinement, Jordan learned to look inside himself and cultivate a strong conviction in his own humanity as a sustaining force. Jordan explained: *A lot of guys go from being leaders to being followers. They have no identity and are misled by the prison system about what they will accept in their lives and they let it build their character. But never let the system change you. You have to adapt because prison is a totally unnatural environment that produces unnatural behavior. But you have to remember and know in yourself that you remain inside a gentle person with a heart. God will not give you more than you can bear.*

Jordan reflected on his experiences in adult prison and in long-term isolation in particular, stating: *The public does not see or understand this kind of suffering. It's torture. Better to just kill people than allow this kind of needless suffering. If I was president, I'd do that instead of destroying all these people slowly. Maybe everyone should have someone in their family locked up so they can understand. Before I came here, I didn't understand. I thought, well, they're all murderers and rapists. There is no other side of the fence when you are on the outside, so you don't know and you tend to have extreme views. But it's not true. Yes, there are some bad apples. But there are also a lot of guys in here who have changed completely and had deep transformations who would be an asset on the outside. Prisoners are human beings. And whether they are wrongly or rightly convicted, we all have a spiritual obligation to care for other human beings. You can't judge people just by your own standards. And you can't expect the next man to be the same as you—his tolerance may not be as great as yours and he may be in a much worse*

situation. You need some humanity. People are born to be perceptive and to communicate with each other. All people have a right to empathy and consideration.

When asked what should happen to young people who commit serious offenses, Jordan responded: *People make mistakes when they are young. You are conscious, but you are not intelligent. America is supposed to be all about second chances. But when you tell a child it's all over with and you can never live a normal life, it goes against that. Young people grow and change. Everything does. Even the grass grows. But you should not lock kids away in prisons. If they were messed up before, they will be even worse when they get out.*

Jordan concluded: *Kids need a place and an outlet to cultivate their intelligence and substance, and develop a sense of self and heritage and culture. Minority kids in particular are susceptible to the disease of nothingness. The world is a five-block radius, there is nothing else outside of it, and they feel explosive. Life is so degraded and devalued. You just want instant gratification, what you want, when you want it. And that leads to bad choices. But the rebellion of youth is just a season, not a whole life. Kids have emotional outbursts that lead to horrible situations. But we're not plotting to do bad things. Don't get me wrong, some 16 and 17 year olds are stone cold killers. If someone is sadistic, then don't give him a second chance. Give that that guy the death penalty. But most guys are not like that. Most kids should be given a second chance and an opportunity to start over while they are still young. They don't even know who they are. They can be rehabilitated, but not with years and years in prison.*

In his own case, Jordan believed that he should be punished and have to answer for what he did in his youth. At the same time, he was skeptical that getting out at the age of 35 after being imprisoned for 20 years would help anyone. He wished instead that that he had been given a sentence of 5 to 10 years in prison, or alternatively, sentenced as a juvenile to a life sentence, where he would have been released at age 21. When asked what advice he had for other kids entering into the criminal justice system, Jordan responded that they should concentrate not just on educating themselves in school, but also on understanding themselves and their own minds and emotions. Jordan remembered that a critical moment for him occurred when he happened to pick up a book on psychology in the library at the JTDC and started reading. It was the first time he began to try to understand himself and other people.

Since entering prison, Jordan learned that he had an 8-year-old daughter in Iowa whom he fathered with a 16-year-old girl when he was 14. He was slowly working on establishing a healthy relationship with the child's mother so that he could see his daughter when he was released. Still, Jordan understood why the mother didn't want him involved in his daughter's life when he was younger: *I was a jerk. What was I going to do as a dad at 14?*

Jordan was anxious to be out of prison because he wanted to help raise his daughter and ensure that his mistakes were not passed on to her. He admitted he was acting like a "control freak," but he found it incredibly hard to be locked in prison, unable to assist in his daughter's daily upbringing. Jordan believed the most important things he could give to his daughter were education, strong family support, and an appreciation for spiritual belief, cultural values, and heritage. Jordan concluded: *You can love someone with all your heart but kids need more than that. They need substance, not just love.*

Angie's Story

When you have no family or protection or love, a gang gives you that. Some kids join just to earn money, but a lot do it because they want a family.

Angie, a 17-year-old African American female, grew up in poverty in on the West Side of Chicago. Angie's mother abused cocaine during her pregnancy, and Angie was born drug-addicted and premature. The first few months of Angie's life were spent in a hospital intensive care unit. Angie never knew her father, and after giving birth, Angie's mother left the hospital and never returned to take Angie home. Angie's grandmother came to retrieve Angie from the hospital.

Angie, her three sisters, the four children of Angie's aunt, and her two cousins were all raised together by Angie's grandmother. The house was chaotic, and Angie's grandmother was often violent with them. There were no rules or structure in the home. Angie felt overwhelmed by feelings of rage and self-hatred much of the time. She sometimes scratched and bit herself and pulled out her own hair. Angie grandmother referred to Angie and her sisters as "black bitches." Having grown up in the South, Angie's grandmother looked down on Angie and her sisters because they were darker skinned, and Angie felt that she preferred the other grandchildren because they were lighter skinned.

The most important person to Angie in her childhood was her older sister. She was the primary person who took care of and looked after Angie. Angie recalled that she loved going to school as a child and that she got all A's in grade school. However, when Angie's sister had children of her own she no longer had time to focus on Angie, leaving Angie to fend for herself.

In seventh grade, when Angie was around 12 or 13, she left home and started drinking heavily and smoking pot. She was picked up by the police repeatedly and returned home. She rarely attended school, and when she did, she usually fell asleep during class. Angie's grandmother fought with her at home, and Angie, in turn, took out her anger by fighting with other people. Angie recalled that the happiest time during her early teen years was the time she spent in an adolescent mental health hospital where she was committed for several months. Although Angie couldn't do whatever she wanted like she had at home, there was structure and she felt safe at the hospital. They treated her better than anyone had before.

Beginning in eighth grade, Angie began hanging out with a gang, selling dope, and staying away from home for long periods of time. The aggression and chaos at home were intolerable. Angie felt sad and angry all the time, like things were going to boil over. She often felt suicidal. During a fight, Angie's grandmother once said to her, "I should never have picked you up from the hospital. They should have pulled the plug on you as a baby." Angie remembered thinking to herself: *I wish they had. I wish I had died.*

Against this backdrop, the gang became Angie's family and her major source of love and support. She had their backs and they had hers. Angie explained: *When you have no family or*

protection or love, a gang gives you that. Some kids join just to earn money, but a lot do it because they want a family.

Angie explained that prostitution or selling drugs were how a lot of people got by because there were no jobs. Guns were also an ever-present part of life growing up. Angie observed: *It's kill or be killed. You need a gun to keep people from trying to kill you. But if people know you carry a gun, then they won't mess with you or fight you. People outside don't understand that.* Angie saw many of her friends die from gun violence or get locked up in prison, but she felt this was just a normal part of life.

When Angie was 15 she was arrested and charged as an adult with armed robbery with a firearm. While she had been through the juvenile system before, she had never been in the adult system. When the police first arrested Angie, she told them that she was 25 years old. The police put Angie in a room and said that that she had better admit to committing armed robbery or they would charge her with other armed robberies and an attempt murder. Angie confessed, believing that she would still be treated as a juvenile once they found out that she was 15.

At first, Angie was sent to the Cook County Juvenile Temporary Detention Center (JTDC), but upon turning 17 she was sent to Cook County Jail. Angie was in pre-trial custody for about a year and a half. She remembered her mom and her grandmother coming to visit her at JTDC and in jail. She observed: *Nobody is there for you or cares about you when you are not locked up, but once you are gone, then they miss you.*

In JTDC and in jail, Angie got into fights with staff and prisoners. She explained: *I want people to see that I won't take shit and [be a victim] because I'm young.* When Angie found out that she was being tried as an adult and facing a minimum of 21 to 45 years in prison for armed robbery with a firearm, she recalled: *My world fell apart.* She agreed to plead guilty to the lesser charge of armed robbery-no firearm in exchange for a 14-year sentence. On the one hand, Angie felt relief that it was all over and that she would have a chance to get out of prison while she was still young. On the other hand, she felt like: *A piece of me was dead.* Being locked up at 15 and spending her most important young years in prison, she didn't see how she could ever be a normal kid again.

Angie worried that she would be developmentally stuck as a 15 year old since she was growing up in prison. To try to counteract this and better herself, she kept a dictionary in her cell and taught herself three new words every day. Having been transferred to adult prison, Angie believed the best survival tactic was to stay in her cell and try not to talk to anyone. She was frustrated because she was not in school and could not get a work assignment in prison.

Angie sometimes felt that she might explode if she got into a fight, so she tried to stay by herself. Everything seemed like a potential threat, and it still felt like kill or be killed in prison. Angie explained: *It's dangerous to walk away or hold back in a fight because people will keep coming after you, trying to hurt you again.* Prison just reinforced this idea for her.

Still, Angie believed that she had matured and come to know herself better since she began her journey through the criminal justice system at age 15. At age 17, she explained that she still felt

tremendous anger, hurt, and sadness all the time, but she now tried to channel it into writing and poetry. Angie hoped to go back to school and to continue writing after leaving prison. But she vowed not to return to her grandmother's home. It was too painful, and she would be better off staying with friends.

When asked what should happen to young people who commit serious crimes, Angie thought: *They should be treated like juveniles, except in really bad cases like if a kid did a premeditated murder on purpose.* She believed it made young people worse to lock them up with adult inmates because young people could still change and learn. Angie suggested that special correctional facilities should be set up for young adult offenders so that they could go to school, work, grow up, and be normal. She hoped to change and start a new chapter in her life when she got out of prison, but she worried that she wouldn't be given a chance.

Angie concluded about her experience in the criminal justice system: *It's funny. I'm 17, in prison for 14 years for robbing a cell phone off someone I knew. It was wrong, but there wasn't no gun, and I gave the phone back later. But that white guy shoots a black kid in Florida, and gets no prison. You know what that tells me? A cell phone is more important than a black kid's life. And I'm supposed to be the crazy one.*

Ben's Story

It turns your heart cold when you lose so many people. You don't want to get attached or fall in love or have friends because they will just be ripped away.

Ben, a 17-year-old African American male, grew up in poverty on Chicago's South Side. He lived with his mother, two brothers, sister, and an aunt and an uncle from his dad's side of the family. The neighborhood that Ben grew up in was wild. There were always lots of guns around, and fights going on all the time. Ben got into many fights growing up, and he began smoking, drinking, and doing and selling drugs in his preteen years. He also started running with a gang. Ben's family was very poor, and Ben saw his mother constantly struggle to make ends meet and provide for the family. Members of the gang helped Ben and his family out with some money and food when they were broke and times were tough. Ben felt that he still owed the guys in the gang for that, and he remained loyal to them as friends.

Ben started selling drugs from an early age because there were many people to take care of in his family. Ben's dad was a deadbeat who sometimes stole from Ben and the family. This really messed Ben up and he felt it was his responsibility to financially provide for his mother and the family since he own father would not. But life was very hard for everybody else in the neighborhood. Nearly everyone that Ben knew smoked weed, drank or popped pills. Still, Ben and the gang tried to follow certain rules and a code of conduct. For instance, robbing other drug dealers was fair game, but they did not tolerate robbing women or using guns with kids.

Guns were a normal part of daily life for Ben and kids growing up in the neighborhood. There were guns in Ben's own house when he was growing up. Everyone in the neighborhood carried guns for protection. You couldn't walk down a street without a gun because there were potential

threats on every block. Ben and everyone in the neighborhood knew that they could face one to three years in prison if the cops caught them with a gun, but there was no choice. If you didn't carry a gun in the neighborhood, you would die. And between dying and the risk of going to prison, most people would choose prison.

Ben had many run-ins with the police when he was growing up. The police routinely stopped and searched him on the street because they knew he often had drugs on him. Ben was sentenced to juvenile probation on a drug case when he was 12 or 13, but he continued to take and sell drugs while he was on probation. Ben was honest with his probation officer about the fact that he was still doing drugs while on probation because he didn't see the point in lying. Whenever Ben knew that his drug drop was going to be dirty, he would just tell his probation officer straight up rather than wasting his time.

At age 15, Ben fathered two twin boys with his 17-year-old girlfriend. At age 16, he was kicked out of school for fighting. Ben was sent to an alternative school after his suspension. However, he quit going because the alternative school that he was assigned to was far away and hard to get to. The school was also very dangerous because it was full of rival gang members.

When he was 16, Ben was arrested and charged as an adult with armed robbery with a firearm, along with several other charges including escape, resisting arrest, and battery of a police officer. Ben was surprised to find out that he was being charged as an adult. Ben caught the charges because he happened to be in a car with his brother and some older guys when they decided to rob someone. Ben fled from the police on foot when they pulled the car over. The police beat up Ben when they caught him.

At the police station, the police and the prosecutor gave Ben his *Miranda* rights and promised that they would let Ben go if he testified against his friends, but Ben refused. The day after his arrest, Ben was accidentally released on house arrest because he shared the same name and birth date as another guy in the police computer system. Ben was picked up by the sheriffs a few days later when they realized their mistake and he was placed in custody without bond. Because Ben had turned 17, he was immediately sent to Cook County Jail. At first, Ben was afraid to go to Cook County Jail because he feared being locked up with rival gang members. However, it ended up being all right because it turned out that Ben's uncles and lots of other people that Ben knew were also locked up in jail with him.

When Ben found out that he was being tried as an adult, and faced a minimum sentence of 21 to 45 years if he was convicted of armed robbery with a firearm, he was terrified. Before trial, Ben's attorney tried to negotiate a deal with the prosecutor that would allow Ben to plead guilty to a lesser charge of armed robbery without a firearm, but the prosecutor refused. Ben went to trial and ultimately was found guilty of the lesser charge, armed robbery-no firearm. He was sentenced to a total of 13 years, with day-for-day credit.

At the time of JHA's interview, Ben was housed in segregation, where he had been for over two months. Ben's placement in segregation was not due to any misconduct in prison, but instead due to the fact that he resisted and tried to flee the police when the police previously arrested him. Conditions in segregation were very harsh. Ben did not have access to commissary or television,

and he had only extremely limited social contact and outside cell time. Ben felt it was unfair to abandon him in segregation since he had not committed any misconduct in prison.

Looking towards the future, Ben hoped to get a job and perhaps go to college. He wanted to have a normal adult life when he got out of prison. However, he also knew that jobs were hard to come by, especially for convicted felons, so he might have to return to selling drugs. If someone gave Ben a chance at employment, he would take full advantage of it because he really wanted to do better. Regardless, Ben would do whatever it took to support his mom, his children, and his children's mother. Having come from poverty, the most important thing in the world for Ben was to make sure that his family never wanted for anything, and that he not end up a deadbeat like his dad.

When asked what should happen to young people who commit serious crimes, Ben responded that it would be better to treat them as juveniles and let them start their lives over at 21 by giving them juvenile life sentences. He explained: *It's not kids' fault. They have no choices. Older guys take care of them and make the choices for them.*

Ben reflected that in his 17 years, he had already lost a lot of people he loved. At the time of the interview, Ben's 15-year-old close friend had recently been shot and killed. But everyone in the neighborhood had also lost people they loved to violence or prison. Ben reflected: *It turns your heart cold when you lose so many people. You don't want to get attached or fall in love or have friends because they will just be ripped away.*

Calvin's Story

People need to remember that kids are still growing up and figuring things out, and they won't be the same forever.

Calvin, a 17-year-old African American male, grew up in extreme poverty in Englewood on Chicago's South Side. At the time of JHA's interview, Calvin was functionally illiterate and struggled to use basic grammar to express ideas in writing. Many times during the interview, Calvin had to have questions repeated because he did not understand. Calvin explained that even though he wasn't book smart, he was good with his hands and excelled at fixing mechanical things. His grandmother used to say of him that he had "brains in his fingers," and Calvin hoped to get a job one day using this skill when he got out of prison.

Growing up in Englewood, Calvin recalled having many run-ins with the police. In Englewood it was normal for the police to stop and mess with you. If you were young, black and male, they just assumed you were a criminal. It was humiliating, frightening, and made people angry, but everyone in the neighborhood just learned to live with it.

Throughout his preteen and early teen years, Calvin was routinely stopped, questioned, searched, and taken to the police station. Usually, the police held Calvin in custody for a short time, called his parents, and released him. Once, when Calvin was 13 or 14, he was arrested, charged as a

juvenile, and held at the Cook County Juvenile Temporary Detention Center (JTDC) for several days. Ultimately, he was given probation in the juvenile case and allowed to go home.

At age 16, Calvin was arrested and charged as an adult for armed robbery with a firearm. Calvin had never heard the terms “A.T.” or “automatic transfer laws” before his arrest. On the day Calvin was arrested, the police called his mother and told her that she had to bring Calvin down to the police station to sign some papers. When they got there, the police separated Calvin from his mom and told her that she could not be in the room with him. When Calvin was alone, the police told him that things would “go bad” if he didn’t talk and “go good” if he did. Calvin thought the police would let him go home with his mom like they had in the past, so he told them what they wanted to hear. Calvin was charged as an adult with armed robbery with a firearm and taken to the JTDC.

Calvin was appointed a public defender to represent him and spent almost a year housed at JTDC in pre-trial detention. During that time, Calvin’s public defender rarely communicated with him. He did not visit the JTDC or return Calvin’s calls. On court dates, Calvin’s attorney would speak to him briefly and just tell the date for his next court appearance, but he would not take time to sit down and explain to Calvin what was happening in the case or how the trial process worked. Everyone in the courtroom—the judge, the prosecutor, the defense attorney—talked really fast and said things that Calvin did not understand. For Calvin, the hardest and most frightening thing was feeling completely lost and out of control because he did not understand anything about what was going on in his case or in court. As Calvin summed up: *No one tells you nothing. No one will talk to you.*

About a month before Calvin’s 17th birthday, he learned that he was going to be transferred to Cook County Jail from the JTDC. A security staff teased Calvin, telling him that adult inmates were going to do things to him since he was so young, which scared him. Mental health staff at JTDC worked to calm Calvin down and prepare him for the transfer. A mental health staff member who worked closely with Calvin noted that his defense attorney could also file a motion to stay the transfer and ask that Calvin be allowed to remain at JTDC since his behavior was excellent and he had adjusted extremely well. The staff member helped Calvin gather all of his certificates of good behavior, achievement, and good conduct that he had earned at JTDC to give to his attorney to help support a motion to stay. When Calvin brought this documentation to his attorney at the next court date, however, the attorney summarily dismissed him, stating, “This judge doesn’t grant stays.”

On the morning of his 17th birthday, Calvin was transferred to Cook County Jail. He vividly recalled that day, as it was raining outside and he kept looking out the window at all the people, houses, cars, and the umbrellas going by, wondering if he would ever go home. He remembered wishing he could just ride in the transfer van forever.

On arriving at Cook County jail, Calvin was placed in a bullpen holding area with hundreds of older, adult prisoners. There were men sleeping all over the floor. Calvin, who was short and had a slight build, tried to look tough but he felt panicked and terrified. He was held in the bullpen from about 10 a.m. to about 3:00 a.m. before being transferred to Division 11 (the unit in Cook County Jail where 17-year-olds were housed). During the entire time in the bullpen, Calvin held

his bowels and would not go to the bathroom because he feared he would be attacked or sexually assaulted by the older guys.

Life in Division 11 was very different than at the JTDC. Calvin was in his cell most of the time, rarely saw his family, and did not have mental health staff that he could talk to. There was not enough food and Calvin felt hungry all of the time. Calvin's anxiety and stress increased to such a degree that he began to shut down, contemplated suicide, and withdrew from his family. Knowing that his mother was pregnant, he did not want to burden her by telling her what he was thinking of doing.

As the pre-trial period dragged on, Calvin's attorney still refused to communicate with him or visit him at jail. On one court date, Calvin learned that he was facing a minimum of 21 years in prison for armed robbery with a firearm. He was shocked and completely unprepared for the news. He flew into a rage at his attorney in court, and stopped talking to his attorney altogether from that day forward. One day, Calvin's attorney came to see him and told him that he had some bad news and some good news. The bad news was that Calvin was facing a minimum of 21 years in prison and his attorney couldn't do anything for him at a trial. The good news was that the attorney could negotiate a sentence for the lesser-included offense of armed robbery-no firearm and a sentence of six years if Calvin pled guilty. Calvin knew that the judge, the prosecutor, and his defense attorney would punish him with a 21-year sentence if he tried to go to trial, so he gave up and pled guilty.

While still 17, Calvin was shipped to the adult Northern Reception and Classification Center at Stateville prison where he was kept in segregation conditions for more than a month. During this time, Calvin had no contact with his family and was basically locked in a cell 23-hours-a-day, 7-days-a-week. He felt as if he was mentally breaking down.

From the Reception and Classification Center, Calvin was shipped to a medium-security adult prison and housed with adult, general population inmates. Because Calvin's family was extremely poor, they could not send him any money in prison. Inmates mocked and picked on Calvin, calling him smelly and dirty, because he could not afford to buy adequate hygiene products like soap, deodorant and toothpaste. Calvin tried to "sell" food items from his meal trays to other inmates in exchange for more hygiene products. He also wrote to a mental health staff member that he used to know and asked to borrow ten dollars, but the staff could not help him because it was prohibited under client/patient rules. One day an older inmate came to Calvin's cell and tried to assault him, so Calvin fought back. Calvin was transferred to another prison and placed in segregation for three months for fighting as a result. After the assault and his release from segregation, the prison thereafter housed Calvin with another 17-year-old inmate and kept them both separated from general population adult inmates.

At the conclusion of the interview, Calvin reflected on what he believed was fair and should happen when young people who commit serious crimes. He thought that young people should be punished for hurting people and breaking the law, but they should be kept in places like JTDC where they were helped and treated decently, and not kept with adult prisoners. He concluded: *People need to remember that kids are still growing up and figuring things out, and they won't be the same forever.*

Emma's Story

When bad things happen to young people, they sometimes do bad things in return because they are hurting. Give them a chance, give them some help—don't just send them away.

Emma, a 17-year-old African American female, grew up in Chicago and the surrounding suburbs in Cook County. She and her younger sister and older brother were by raised by their mother and their grandfather. Emma's mother worked long hours, so Emma's grandfather was often their caregiver. Emma was very close with him. Her best memories in life were of her grandfather teaching her how to cook and sitting on his lap in a rocking chair while he told her stories about what it was like being a soldier in the war.

Throughout her childhood, Emma and her family moved often, usually about every two years. The family lived in Section 8 public housing, and Emma's mother worried about the children growing up around violence, gangs, and drugs. Emma's mother relocated the family frequently, trying to find better neighborhoods in which to raise Emma and her siblings. The relocations were hard on Emma because every time she adjusted to a new school and made friends, the family would have to move again.

When Emma was 16, her grandfather died. In her grief over his death, Emma began smoking weed and drinking alcohol. Emma explained: *When you lose someone that close to you, you just feel like you want to die. I felt like dying then.* One night, Emma snuck out of the house and went to a party. She got very drunk and was gang raped by a group of older guys. But Emma did not tell her mom or anyone about what happened because she felt like it was her fault since she snuck out, got drunk, and was not supposed to be there.

After the rape, Emma began using marijuana and alcohol on a daily basis. One night, Emma and her sister, who was a few years younger, went to a party and got very drunk and high. Emma and her sister wanted to leave, but they couldn't find anyone to come pick them up. She recalled: *It was raining and we didn't have any money on us and [we] were fucked up and stranded.* On impulse, Emma and her sister decided to do something reckless. Emma recalled: *We were like, fuck it, we've got no money or ride, let's just rob someone.*

They hailed a cab, pulled a knife on the cab driver and took some cash from him. Emma had never done anything like that before. She remembered that at the time it felt exciting: *Like a rush. We couldn't believe that we did it. It didn't seem real. It was like a dream. I'd never done anything like that.* Emma and her sister tried to recapture the feeling by robbing another cab driver a few weeks later for quick money, again when they were high and drunk. They were arrested by the police that time. Emma remembered: *I knew it was wrong. I don't know why we did it. I knew we were going to get caught too. We weren't going to hurt anyone, but we were high and not thinking.* She felt so angry, sad, and messed up after being raped, she didn't think. Looking back, she wished she had talked to someone about what had happened to her.

Because of her age, Emma was charged as an adult with armed robbery. Because her sister was a year or so younger, she was charged as a juvenile. After her arrest, Emma was sent to Cook County Jail. She didn't understand why she was being treated like an adult and sent to adult jail, when her sister was being treated like a juvenile and sent to the juvenile detention center with other kids.

Emma's first cellmate at Cook County Jail was 41 years old, and her second cellmate was 21 years old. Emma was terrified because she initially was placed in the Maximum Security Unit at the jail with killers and violent adults. The cells were dirty and nasty and had biting bugs, and the food mostly consisted of bologna sandwiches. Emma began to feel like an animal. Her only relief was attending Cook County Jail's school program. She loved going to school because for the few hours a day that she was in class, she could pretend she was a normal kid and not in jail.

As a 17-year-old with no prior criminal involvement, one of the hardest things for Emma was having no information about what was going on in her court case. Emma's public defender did not explain what was happening and basically told her nothing. Emma had no understanding of how the law and court processes worked. She repeatedly tried calling her public defender to ask questions and request a meeting, but her calls were never returned. Emma's attorney would only speak to her quickly for a few minutes at court calls.

Eventually, Emma gave up trying to call or talk to her attorney. Emma's ultimate decision to plead guilty in exchange for a 12-year sentence was strongly influenced by the fact that she did not know or understand what was going on in her case. When Emma's attorney told her that she should take the State's first plea offer, Emma figured there was no point in negotiating or fighting for a lesser sentence. Emma's younger sister ultimately pled guilty as a juvenile to the same charges in exchange for five years' probation. Emma recalled that when her family found out that 17-year-old Emma was going adult prison for 12 years, while her younger sister was being given juvenile probation for five years for the same offense: *They lost it because it made no sense.* Emma's mother later admitted to her that she dealt with the news by getting drunk. Emma recalled that when her mom found out that her one daughter was getting out on probation, but the other was going away to prison for 12 years: *It was as if the whole world had turned upside down and went crazy.*

From her experience in the criminal justice system, Emma concluded that the fix was in once the State charged a person. She believed: *The judge, the prosecutor and the public defender get more money if a person goes to prison.* From Emma's point of view, it seemed that the judge, the prosecutor and the public defender were all working together to get a conviction and sentence, especially if the defendant was black. Emma hoped that she could get a job after her release from prison, but she worried that she would not be able to find employment because of her prior conviction. She also hoped to get an education and eventually go to college, but given that she did not have access to education in prison, that also seemed doubtful.

When asked what she thought would have been a fair punishment in her case, Emma responded: *I wish they had treated me like a juvenile, like my sister. Or maybe they could have let me go to boot camp or given me a shorter sentence, like six years since I never did anything like this before.* The one good thing that had come out of the experience was that Emma finally talked to

a counselor about being raped. Emma reflected: *When bad things happen to young people, they sometimes do bad things in return because they are hurting.* Emma believed that the criminal justice system should treat young people differently than adults and recognized that they can change. She concluded: *Give them a chance, give them some help—don't just send them away.*

¹ See *Roper v. Simmons*, 125 S. Ct. 1188 (2005); *Graham v. Florida*, 130 S. Ct. 2011 (2010); *Miller v. Alabama*, 132 S. Ct. 2455 (2012); Rolf Loeber, David P. Farrington and David Petechuk, National Institute of Justice, *Between Juvenile Delinquency and Adult Crime: Bulletin 1: From Juvenile Delinquency to Young Adult Offending* (July, 2013), available at: <https://ncjrs.gov/pdffiles1/nij/grants/242931.pdf>; Richard E. Redding, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* (June 2010), available at https://www.ncjrs.gov/pdffiles1/ojjdp/220_595.pdf; Patrick Griffin, National Center for Juvenile Justice, *Different from Adults: An Updated Analysis of Juvenile Transfer and Blended Sentencing Laws, With Recommendations for Reform* (November, 2008), available at: http://www.ncjj.org/PDF/MFC/MFC_Transfer_2008.pdf

² See Juvenile Justice Initiative, *Special Report: Automatic Adult Prosecution of Children in Cook County, Illinois, 2010-2012* (April, 2014), available at: <http://jjustice.org/wordpress/wp-content/uploads/Automatic-Adult-Prosecution-of-Children-in-Cook-County-IL.pdf>; Dr. Paul Street, *The Vicious Circle: Race, Prison, Jobs, Community and Mass Incarceration in Chicago, Illinois, and the Nation*, Chicago Urban League (2002), available at: <http://www.prisonpolicy.org/scans/theviciouscircle.pdf>. See also Ta-Nehisi Coates, “*The Case for Reparations: Two Hundred Fifty Years of Slavery. Ninety years of Jim Crow. Sixty Years of Separate But Equal. Thirty-five years of Racist Housing Policy. Until We Reckon With Our Compounding Moral Debts, America Will Never Be Whole.*” *The Atlantic Monthly* (May 21, 2014), available at: <http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631/>, in which Coates provides a description of North Lawndale (one of the Chicago neighborhoods in which youth charged as adults often live), which exemplifies the neighborhoods where youth that we interviewed grew up: “North Lawndale is on the wrong end of virtually every socioeconomic indicator. The neighborhood is 92 percent black. Its homicide rate is 45 per 100,000—triple the rate of the city as a whole. The infant-mortality rate is 14 per 1,000—more than twice the national average. Forty-three percent of the people in North Lawndale live below the poverty line—double Chicago’s overall rate. Forty-five percent of all households are on food stamps—nearly three times the rate of the city at large.”

³ See Campaign for Youth Justice, *Interview Guide* (2007), available at: <http://www.campaignforyouthjustice.org/Downloads/start/InterviewGuide.pdf>.

⁴ See Fran Spielman and Brian Slodysko, *Emanuel Defends Promotion of Accused Police Commander*, *Chicago Sun Times* (September 3, 2014), available at: <http://politics.suntimes.com/article/chicago/emanuel-defends-promotion-accused-police-commander/wed-09032014-300pm>.

⁵ See John Hagedorn, *et al*, “*Crime, Corruption and Cover-ups in the Chicago Police Department*,” Anti-Corruption Report Number No. 7, University of Illinois at Chicago Department of Political Science, available at:<http://www.uic.edu/depts/pols/ChicagoPolitics/policecorruption.pdf>.

⁶ Youths’ reports of unfair treatment and persistent abuse and harassment by Chicago police are consistent with findings made in a 2013 national survey by the Pew Research Center in which nearly one-quarter of African American males ages 18 to 34 said they were treated unfairly by the police in the preceding 30 days, and the majority of African Americans surveyed felt they were treated less fairly than whites in dealings with the courts and the police. See Pew Research Center, *King’s Dream Remains an Elusive Goal; Many Americans See Racial Disparities* (August 22, 2013), available at:http://www.pewsocialtrends.org/files/2013/08/final_full_report_racial_disparities.pdf.

⁷ A recent report by the American Psychological Association documenting police interrogations of juveniles confirms that minors typically make interrogation decisions without the presence, knowledge or advice of counsel, and that police interrogations routinely occur outside the presence of the minor’s parent or guardian. See Hayley Cleary, M.D., *Police Interviewing and Interrogation of Juvenile Suspects: A Descriptive Examination of Actual Cases*, Law and Human Behavior, Vol. 38, No. 3, 271–282 (2014), available at:
<http://www.apa.org/news/press/releases/2014/08/juvenile-suspects.pdf>.

⁸ See Models for Change, *Illinois: An Assessment of Counsel and Quality of Representation In Delinquency Proceedings in Illinois* (Fall, 2007), available at:
http://www.macfound.org/media/article_pdfs/ILJFINALREPORT.PDF.

⁹ See The Sentencing Project, *Prosecuting Juveniles in Adult Court: Perspectives for Policymakers and Practitioners* (2002), available at:http://sentencingproject.org/doc/publications/sl_prosecutingjuveniles.pdf;
Juvenile Justice Initiative, *Special Report: Automatic Adult Prosecution of Children in Cook County, Illinois. 2010-2012* (April 2014), available at:
<http://www.modelsforchange.net/publications/532>.

¹⁰ See Ta-Nehisi Coates, “*The Case for Reparations: Two Hundred Fifty Years of Slavery. Ninety years of Jim Crow. Sixty years of Separate But Equal. Thirty-five years of racist housing policy. Until We Reckon With Our Compounding Moral Debts, America Will Never Be Whole*,” The Atlantic Monthly (May 21, 2014), available at:
<http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631/>.

¹¹ See Maurice Possley and Ken Armstrong, “*Part 2: The Flip Side of a Fair Trial*,” The Chicago Tribune (January 11, 1999), available at:
<http://www.chicagotribune.com/news/watchdog/chi-020103trial2-story.html#page=1>.

¹² See Patrick Griffin, “Legal Boundaries Between the Juvenile and Criminal Justice Systems in the United States,” in Rolf Loeber and David P. Farrington eds., *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention*, (New York: Oxford University Press, 2012), 184-99.

¹³ See, e.g., Patrick Griffin, Sean Addie, Benjamin Adams, and Kathy Firestine, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (September, 2011), available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/232434.pdf>.

¹⁴ See National Conference of State Legislatures, *Adolescent Development and Competency*, available at <http://www.ncsl.org/documents/cj/jjguidebook-adolescent.pdf>; Laurence Steinberg, *Adolescent Development and Juvenile Justice*, *Annual Review Clinical Psychology* 5:47–73 (2008), available at: <http://www.eji.org/files/Science%20on%20Adolescent%20Development.pdf>.