ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY

Juvenile Justice Information Policies in Illinois

May 1986

Illinois Criminal Justice Information Authority

William Gould, Chairman
J. David Coldren, Executive Director

John Firman, Project Coordinator
Diana White, Project Manager
Mark Myrent, Project Staff

Printed by authority of the State of Illinois
June 1986
Number of copies: 200
Printing order number: 86-83
Second printing

Table of Contents

Introduction

In 1899, Illinois created the first juvenile court system in the nation. The early juvenile courts heard two types of cases: those involving children who committed offenses that would have been criminal if committed by an adult, and those involving abused, neglected, or dependent minors. All juvenile hearings were informal, proceedings were closed to the public, and court records were confidential.

Since 1899, the network of agencies serving children has expanded, and the mandates of juvenile justice agencies have changed dramatically. As a matter of both national and Illinois policy, minors involved in non-criminal incidents (such as truancy or running away) are now diverted from the justice system and are referred instead to social service agencies that provide counseling and treatment. Information collected and maintained by social service agencies is highly confidential and often cannot be disclosed to other agencies in the network without legal intervention.

Conversely, as a matter of policy, Illinois and most other states now approach minors who commit criminal offenses quite differently than they did in earlier times. Since about 1970, public outcry over juveniles who commit serious or repeated offenses, particularly gang-related violence, has increased the demand for punishment of those minors. Recent laws enacted in Illinois and other states have focused on serious juvenile offenders: Some laws allow for automatic waiver to adult court of juveniles who commit certain offenses at a younger age, and many states have passed some form of a Habitual Juvenile Offender Act.

Juvenile justice agencies also have begun to question whether *information* about minors who commit offenses that would be crimes if committed by adults should be kept confidential. Many agencies have called for an easing of restrictions on juvenile justice information because the agencies feel such restrictions hinder their ability to identify serious offenders and to take appropriate action to ensure public safety.

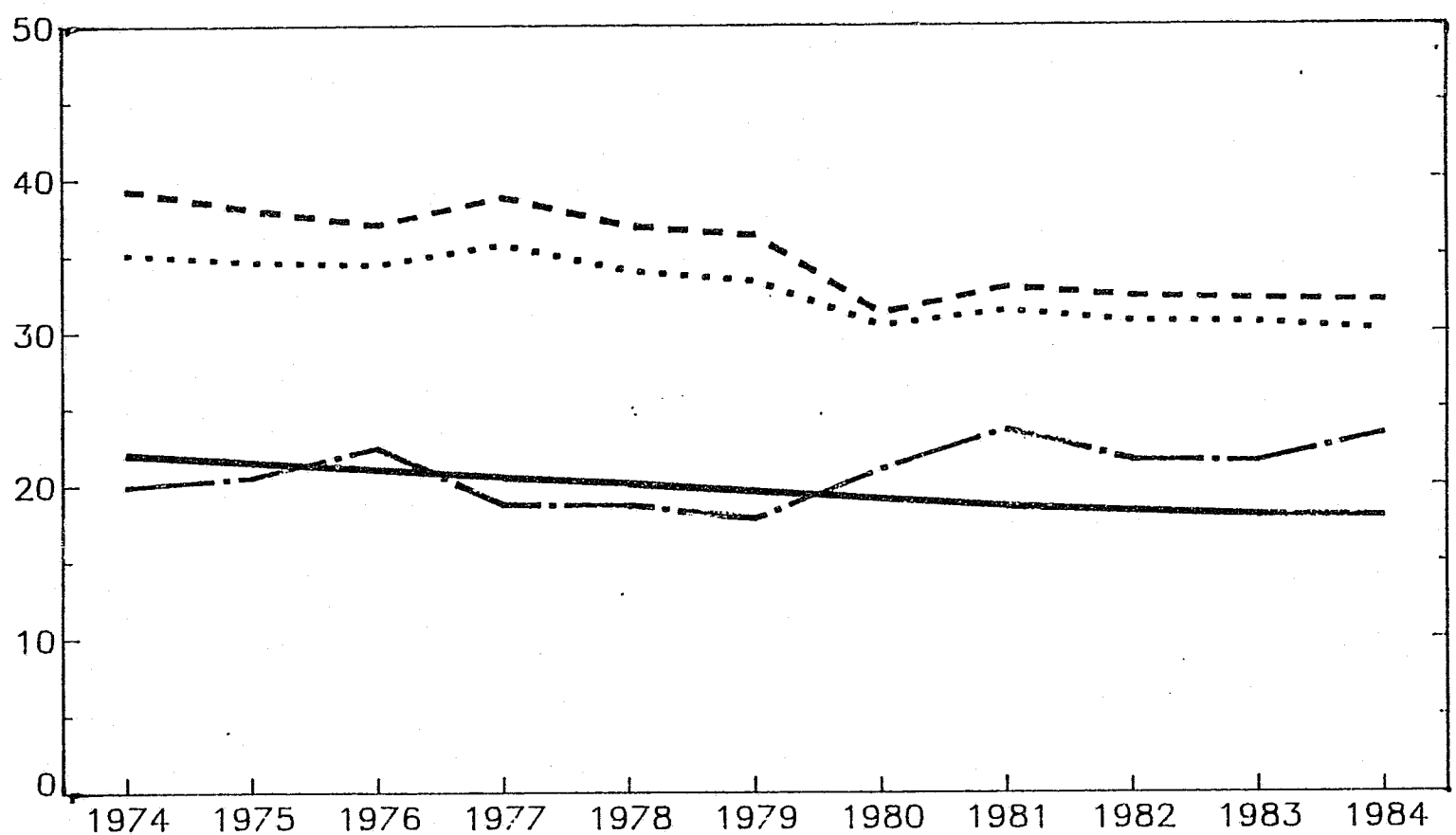
The question is magnified by growing concern among juvenile justice professionals and the public that a relatively small number of chronic juvenile offenders account for a disproportionately large number of juvenile crimes. The unavailability of information often may permit such juveniles to avoid prosecution or other appropriate system intervention.

Alfred Regnery, administrator of the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention, discussed this issue in a recent article in which he called for an overhaul of the juvenile justice system. In particular, Mr. Regnery said that a protective or secretive approach to juvenile records has a negative effect on law enforcement and prosecution. He went on to praise Illinois for having developed innovative approaches to this problem, including improved record keeping, expanded crime analysis, attention to chronic offenders, and "vertical prosecution," whereby one prosecutor remains with a juvenile case from arrest through sentencing. Referring to Illinois, he said:

> The results are encouraging. In Cook County, Illinois, 400 juveniles with four arrests each for serious crimes were tried according to this approach in a 10-month period; 90 percent were convicted and sentenced.

The rate of violent offenses committed by juveniles has risen during the last decade

Figure 1: Comparison of juvenile population and arrest patterns in Illinois



*"Juveniles" represent 5- to 16-year-olds.

SOURCE: "Crime in Illinois" (1974-1984 editions) and U.S. Census Bureau reports.

> Assuming that the juveniles committed five crimes for each arrest, a conservative estimate, the 360 convicted youths had already committed 7,200 serious crimes. It's about time they were stopped.[1]

Concern in Illinois for more effective administration of juvenile justice and the curbing of serious offenses by juveniles seems justified when juvenile crime figures for the State are examined. Figure 1 compares the percentage of juveniles at risk in the entire State population (ages 5 to 16 in this example) to the percentage of arrests involving juveniles. The graph shows that while the percentage of juveniles in the total population decreased between 1974 and 1984, two facts stand out: 1) juveniles in this age-at-risk group account for a larger percentage of total crimes than would be expected, and 2) the rate of violent offenses committed by those juveniles appears to be rising. These findings support the growing concern that juvenile crime in Illinois needs to be dealt with more effectively, and that attention to juvenile justice information policies is justified at this time.

With this in mind, the **Illinois Criminal Justice Information Authority** decided in early 1984 to research and analyze current policies regarding juvenile justice information in Illinois. State law authorizes the Authority to advise the Governor and the General Assembly on criminal justice information policies, including those regarding the administration of juvenile justice.[2]

Recognizing the uniqueness of the juvenile justice network and the special policies underlying juvenile justice information laws, the Authority decided first to examine current policies in Illinois and the nation that affect juvenile justice information. This analysis would then lay the foundation for appropriate recommendations regarding any juvenile offender-based information systems. It was clear to the Authority that no information *system* could be considered or developed until a consensus on information *policy* was achieved.

The Authority decided to focus on five main issues relating to juvenile justice information that is generated and maintained by public and private agencies in Illinois:

1. How do current policies affect the ***collection*** of information by juvenile justice agencies?

2. How do current policies affect the ***maintenance*** of information by juvenile justice agencies?

3. How do current policies affect the ***storage*** of information by juvenile justice agencies?

4. How do current policies affect the ***access and exchange*** of information by juvenile justice agencies?

5. Considering operational, philosophical, and jurisdictional constraints, what should the policy be for managing juvenile justice information in Illinois?

This report summarizes the results of the Authority's year-long investigation into a wide range of topics concerning juvenile justice information policies. To gather information, the Authority used a variety of techniques. The Authority conducted four public hearings (one each in Belleville, Des Plaines, Markham, and Springfield) to gather comments from juvenile justice practitioners. Witnesses, who were selected from throughout Illinois, represented the

---

[1] Alfred S. Regnery, "Getting Away With Murder: Why the Juvenile Justice System Needs an Overhaul," *Policy Review*, 34, Fall 1985.

[2] See *Ill. Rev. Stat. Ch. 38, pars. 210-3(a) and (c), par. 210-7(p).*

various agencies and organizations that are affected by juvenile justice information policies: police, sheriffs, state's attorneys, court service personnel, social service agencies, schools, and other State and local agencies. In all, 55 witnesses testified (*see Appendix A for a complete list of witnesses*).

In addition, the Authority surveyed Illinois law enforcement agencies to gain insight into the practices they follow when compiling and sharing juvenile justice information. Surveys were mailed to 309 municipal police departments and sheriff's offices throughout the State, and 218 responded (*see Appendix B for a summary of the survey results*).

Authority staff conducted numerous field interviews with juvenile justice practitioners. These interviews, conducted in locations throughout Illinois, permitted Authority staff to explore information issues from a variety of perspectives. The Authority also held a symposium of juvenile justice practitioners from other states to obtain their policy recommendations. The symposium brought together representatives of many components of the juvenile justice system to explore further the working relationship and information needs of such agencies.

Finally, the Authority conducted extensive Statewide and nationwide reviews of research and legal sources and juvenile justice information systems. Authority staff also interviewed juvenile justice experts who could provide input about information policies.

This report is organized around the five issues identified above. It contains:

- An examination of the national response to juvenile justice information policies.
- An examination of juvenile justice information policies in Illinois.
- A summary of identified juvenile justice information problems and issues discovered during the project, along with identified policy alternatives that could resolve those problems.
- A set of appendices providing background information that supports the findings and recommendations.

Keep in mind that this report represents a preliminary attempt to identify the policy considerations surrounding juvenile justice information in Illinois. The Authority hopes this report will inform the people of Illinois about specific problems within the juvenile justice system that greatly affect the ability of professionals to provide quality services to minors.

In the section of this report devoted to policy alternatives, three approaches were considered: 1) to present no suggested alternative to an existing policy that was deemed acceptable, 2) to recommend further study of a complex policy issue, or 3) to identify a suggested alternative to an existing policy, based on the inadequacy of the existing policy and the existence of a potentially more effective alternative. For each issue, the choice among these three responses was dictated by the quality of information obtained during the study, relative to other issues.

Sources of Problem Identification

The Authority employed a variety of techniques to identify the major problems concerning juvenile justice information management in Illinois. These techniques are described below (*a more complete explanation of the project methodology is found in Appendix C*). Following this recap of sources are detailed discussions of the information problems and

possible solutions for each component of the juvenile justice network: law enforcement, court services, social services, and the juvenile justice system as a whole.

Research

An early part of the Authority's examination of policy issues affecting juvenile justice information in Illinois involved reviewing available research on the topic, both national and Illinois-specific. More than 200 sources were reviewed; many appear in this report.

Other research included telephone surveys of various agencies in Illinois and elsewhere to ascertain their current policies on juvenile justice information. Staff also visited some nearby agencies to speak directly with those officials involved in developing juvenile justice information policies. Finally, staff reviewed relevant documents from both government bodies and independent research organizations.

Public Hearings

In early 1985, the Authority conducted four public hearings to solicit ideas from juvenile justice professionals throughout the State. These professionals were asked to comment on current State policies regarding juvenile justice information and on what types of juveniles and what types of agencies and organizations were affected by those policies. Witnesses were also asked how current policies affect the collection, maintenance, storage, and access or exchange of juvenile justice information, how current policies help or hamper the effective operation of the juvenile justice network, and what the overall policy *should be* in Illinois for how agencies manage juvenile justice information.

The four hearings were held in Springfield, on Feb. 27; Des Plaines, March 20; Markham, April 10; and Belleville, May 1. More than 500 witnesses were invited to appear, including representatives of the agencies and organizations most affected by juvenile information policies: police, sheriffs, state's attorneys, court personnel, probation officers, social service agencies, and various State agencies. In all, 57 persons testified (*a **complete list of witnesses is found in Appendix A***), including:

- 29 law enforcement officials, made up of municipal police (21), county sheriff's police (5), and the Illinois Department of State Police (3). The police representatives included juvenile officers, as well as chiefs and sheriffs. The law enforcement witnesses also included representatives of the Illinois Association of Chiefs of Police, the Illinois Juvenile Officers' Association, the North Suburban Juvenile Officers' Association, and the South Suburban Juvenile Officers' Association.
- 8 representatives from probation departments or court services agencies.
- 7 state's attorneys or assistant state's attorneys.
- 7 representatives from social service agencies that serve juveniles, including the Illinois Department of Children and Family Services.
- 2 high school principals.
- 1 administrator of a county juvenile detention center.
- 1 representative of the Illinois State Bar Association's Juvenile Justice Committee.
- 1 representative of the Chicago Law Enforcement Study Group.
- 1 former juvenile parole officer at the Illinois Department of Corrections.

The testimony of these witnesses was limited to issues of juvenile justice administration and how current information policies in Illinois either enhance or detract from effective juvenile justice.

Survey of Law Enforcement Agencies

To investigate further how current policies governing juvenile information affect juvenile justice agencies, the Authority surveyed more than 300 law enforcement agencies in Illinois. The purpose of the survey was to examine the practices that law enforcement agencies in the State follow when compiling and sharing juvenile records. Questions were designed to solicit information on how juvenile justice information is collected, maintained, stored, exchanged, and expunged. A major portion of the survey addressed issues regarding the access and dissemination of juvenile records. This was important because the Authority felt that the variance of practices among agencies is a central factor in determining the need for coordinated juvenile justice information policies on either a local, regional, or Statewide basis. In general, the survey covered the following topics:

- General information about the volume of juvenile cases handled by the department.
- Information about the department's procedures for handling juvenile cases.
- Information about the types of information included in the department's juvenile records and about which internal staff may access those records.
- Information about the exchange of juvenile records between the department and other criminal justice agencies.
- Information about the degree of coordination the department has with other agencies within the criminal justice community and about changes in this area that the department would favor.

The Authority mailed surveys to 309 municipal police departments and sheriff's offices throughout Illinois (only those law enforcement agencies with 10 or more sworn personnel received surveys). A total of 218 surveys, or 71 percent, were completed and returned to the Authority. Of these, 206 were completed in a manner useable for a comprehensive analysis (*see Appendix B for a complete analysis of the survey*).

One major finding of the survey was that law enforcement agencies typically seek prior record information when they are referring a juvenile to a social service agency or arresting a juvenile for a misdemeanor or felony offense. The exact type of information these agencies seek usually depends on the nature of their interaction with the juvenile (for example, arrest for felony *vs.* misdemeanor). The primary identifier used to search for juvenile record information is the juvenile's name.

The survey also showed that while the primary law enforcement officers who access juvenile records are the departments' juvenile officers, other agency personnel could review these records as well. Furthermore, police tended to release juvenile information without a court order to various other criminal justice and social service agencies.

When answering requests for information from other law enforcement agencies, police tended to release juvenile records on an ascending scale based on the severity of the investigation or charge against the juvenile. Felony investigations represented the cases in which juvenile record information was released most consistently. Dissemination of juvenile records to state's attorneys and probation departments was the least restricted. Generally, police released data to these agencies frequently because of the absence of laws restricting their access to the records. However, because of legal restrictions, law enforcement

agencies tended to release juvenile records to other law enforcement agencies less frequently.

Juvenile Justice Information Symposium

A major issue the Authority wanted to investigate was the degree to which information is shared among various components of the juvenile justice network--and how effective that exchange is. This issue is important because the ability of agencies to obtain appropriate information about a juvenile often determines the quality of the treatment decisions that are made.

To find out exactly how juvenile justice agencies can work collaboratively under existing Illinois policies, the Authority held a symposium of representatives of many juvenile justice agencies. These included:

- Chicago Police Department, juvenile division.
- Cook County Juvenile Court.
- Cook County Public Defender's Office, juvenile division.
- Department of Children and Family Services.
- Department of State Police, juvenile division.
- Guardianship and Advocacy Commission.
- Juvenile Officers' Association.
- Lake County Juvenile Services.
- Peoria Police Department.

In addition, officials working with juvenile justice information systems in other states were invited to offer their views on information policy issues. Representatives of the National Center for Juvenile Justice, in Pittsburgh, Pa., and the Juvenile Court of Utah were guest speakers at the two-day session.

Symposium participants explored a variety of policy issues, including current problems inhibiting the effective flow of information, how that loss of information affects the quality of juvenile justice, and what potential solutions exist. The symposium not only expanded the analysis of information problems within the juvenile network, it also moved the discussion toward identifying *interagency* information problems. Key issues relative to Illinois that were identified and discussed included the following:

- Court and probation staff often are limited in their decision-making process because Statewide police information on juveniles generally is not available.

- Law enforcement agencies are unable to access arrest information on juveniles from other law enforcement agencies in the State.

- Law enforcement agencies cannot access court disposition or Department of Corrections information on juveniles on a Statewide basis.

- Intervention services personnel are unable to access enough law enforcement, court, or correctional information on juveniles to allow them to make sound program decisions.

- Exemplary information systems operating in other states are not necessarily useful models for Illinois, mainly because of different geography, demographics, or system design.

- Improvements in juvenile justice information need to be approached individually, by problem area, rather than by attempting to create an entirely new Statewide information system.

- Many agencies within the juvenile justice network have a genuine need and desire to improve the availability of information among agencies and to further overall juvenile justice goals.

- Existing laws and policies often prohibit, or at least substantially inhibit, effective information dissemination among network agencies.

Juvenile Justice Information in Illinois

Since passing the Family Court Act in 1899, Illinois has long been in the forefront of juvenile justice policies and practices. More recent legislation reflects the State's continuing commitment to juvenile justice matters. In 1957, for example, the State passed the Child Care Act to regulate child-care facilities and institutions. In 1963, the Department of Children and Family Services (DCFS) became the State agency responsible for providing social services to children and their families, for operating children's institutions, and for providing other rehabilitative and residential services. In 1966, the original Family Court Act became the Juvenile Court Act. And in 1973, the State abolished the Illinois State Training Schools for Boys and Girls and transferred those functions to the Illinois Department of Corrections' juvenile division.

These changes in the structure of the State's juvenile justice network also reveal a basic change in *policy* over the years. On one hand, children who were abused, neglected, or dependent were diverted to social service agencies for treatment. On the other hand, minors who committed acts that would be criminal if committed by adults ultimately could be sent to the Illinois Department of Corrections. During this period, Illinois also enacted a wide range of laws designed to protect juvenile justice information from public disclosure.

In Illinois, the term *juvenile justice system* is really a misnomer. Rather than functioning as a unified system, juvenile justice and criminal justice agencies operate as a loose confederation or network with one common goal: to determine what action is in the best interests of the child. At the same time, this network of agencies is subject to diverse and often conflicting policy and legal directives about how to maintain juvenile justice information.

The Network of Juvenile Justice Agencies

Several agencies regularly come into contact with minors, maintain information about those minors, and have their information regulated by different laws. As a whole, these agencies represent the network of juvenile justice organizations in Illinois. They include:

1. **Law enforcement agencies**, including local police departments, sheriffs' offices, and the Illinois Department of State Police.[3]

2. **Juvenile courts** and **court services agencies.**[4]

3. **Criminal and other courts**, within limitations.[5]

4. **State's attorneys.**[6]

---

[3]See: *Ill. Rev. Stat. Ch. 37, pars. 701-17.1, 702-8, 702-11, 703-1, 703-1.1, 703-2; Ill. Rev. Stat. Ch. 27, par. 55a(17).*

[4]See: *Ill. Rev. Stat. Ch. 37, pars. 701-8, 702-9, 701-20, 702-10, 702-11, 703-4, 703-8, 705-1, 705-3, 705-8, 705-10, 705-12, 706-1; Ill. Rev. Stat. Ch. 23, par. 2592.*

[5]See *Ill. Rev. Stat. Ch. 37, pars. 702-7(6), 702-10, 701-11.*

[6]See *Ill. Rev. Stat. Ch. 37, pars. 701-21, 702-7(6), 702-10, 703-8, 705-1, 705-12.*

5. The **Department of Children and Family Services**, any of its licensed child-care or child-detention facilities, and private social service or medical agencies.[7]

6. The **Illinois Department of Corrections**, juvenile and adult divisions.[8]

7. Agencies that provide **crisis-intervention services** to minors or **voluntary or involuntary placement** for juveniles.[9]

8. The **Illinois Department of Mental Health and Developmental Disabilities**.[10]

9. Agencies that provide **alcohol or drug-abuse treatment** for juveniles.[11]

10. **Schools**.[12]

Many of the criminal and juvenile justice agencies within this network have noted the contradictory laws and policies governing juvenile justice information. They also indicate that the policies have resulted in fragmented availability of information. This, in turn, has created alienation among agency staff who are supposed to work cooperatively in the best interests of the child.

Legal Categories of Juveniles

The juvenile justice network and its information policies are further complicated by the fact that the *system* serves many different legal categories of minors--and maintains information about each of those different juvenile types. Information policies may vary according to the legal label placed on a minor when he or she enters the network. Here is a list of the juvenile categories children may fall into at different ages in their lives:

1. **Minor (generally).** A person under the age of 21 who is subject to the jurisdiction of the Juvenile Court Act.[13]

2. **Delinquent minor.** A person under the age of 17 who violates, or attempts to violate, any Federal or State law or municipal ordinance.[14]

3. **Habitual juvenile offender.** A minor who has twice has been adjudicated delinquent for "felony" offenses and who has been adjudicated delinquent a third time for certain "felony" offenses.[15]

4. **Minor who may be tried as an adult.** A person, at least 13 years old, who is prosecuted under the criminal laws after a state's attorney petitions for removal to the

---

[7]See: *Ill. Rev. Stat. Ch. 37, pars. 701-20, 703-1.1, 702-3, 703-3, 703-1.1, 703-6, 703-9, 705-2, 705-3; Ill. Rev. Stat. Ch. 23, pars. 2057.7 to 2061.4, 2225 et. seq., and 5035.1.*

[8]See: *Ill. Rev. Stat. Ch. 37, pars. 1003-10-1 to 1003-10-12; Ill. Rev. Stat. Ch. 37, par. 705-10.*

[9]See: *Ill. Rev. Stat. Ch. 37, par. 702-3; Ill. Rev. Stat. Ch. 23, pars. 2225 and 5006b.*

[10]See *Ill. Rev. Stat. Ch. 91 1/2, pars. 1-117, 3-500 to 3-511, and 801 to 817.*

[11]See: *Ill. Rev. Stat. Ch. 91 1/2, par. 501 et. seq.; Ill. Rev. Stat. Ch. 111 1/2, par. 6301 et. seq.*

[12]See *Ill. Rev. Stat. Ch. 122, par. 50-1 et. seq.*

[13]See *Ill. Rev. Stat. Ch. 37, par. 701-13.*

[14]See *Ill. Rev. Stat. Ch. 37, par. 702-2.*

[15]See *Ill. Rev. Stat. Ch 37, par. 705-12.*

adult court and the juvenile court grants the petition.[16]

5. **Minor who must be tried as an adult.** A person, at least 15 years old, who is charged with murder, aggravated criminal sexual assault, or armed robbery with a firearm.[17]

6. **Minor requiring authoritative intervention.** Any person younger than age 18 who commits certain non-criminal acts and is referred to crisis intervention or alternative voluntary residential placement.[18]

7. **Addicted minor.** Anyone under age 21 who is addicted to alcohol or drugs.[19]

8. **Dependent/neglected minor.** Anyone younger than age 18 who is abandoned or whose parent or guardian does not provide proper support, education, or care.[20]

9. **Abused minor.** Anyone under age 18 whose parent (or a person in the same household) injures the minor, creates a risk of injury, sexually abuses the minor, or tortures or inflicts excessive corporal punishment on the minor.[21]

As this list indicates, a wide range of children whose behavior falls into different legal categories may come into contact with juvenile or criminal justice agencies. As these minors proceed through the network of agencies, information about them is generated and maintained at many different points. The dichotomy in juvenile justice information policies and procedures becomes obvious when the need to act in the child's best interest and to protect his or her confidentiality interacts with both the legitimate information needs of professionals whose job is to determine the best services for the child and the public's need to be protected from violent juvenile offenders.

Existing Juvenile Justice Information Policies

Rehabilitation vs. Punishment Issues

Illinois recognized the special needs of minors in the late 1800s, at the very early stages of juvenile justice policy development. The State attempted to balance the needs of minors with the needs of the community when it enacted the laws that govern the juvenile justice network. Two basic policies were implemented when the State originally designed this network.

First, children, because of their minority status, were to be held neither accountable nor responsible for their acts in the same way as adults were. According to the theory of non-culpability, children could not form the criminal *intent* necessary to be convicted of a crime. Instead, the juvenile justice system operated under the theory of *parens patriae*, whereby the State functioned as parent or guardian of the children's interests. The assumption was that children should not be stigmatized as criminals nor punished for criminal conduct in the same manner as adults.

Second, the policy objective of juvenile justice was to treat and rehabilitate children, rather than to punish them. Since children were considered impressionable and not yet hardened to criminal lives, they were regarded as likely candidates to respond to

[16]See *Ill. Rev. Stat. Ch. 37, par. 702-7 (3).*

[17]See *Ill. Rev. Stat. Ch. 37, par. 702-7(6).*

[18]See *Ill. Rev. Stat. Ch. 37, par 702-3.*

[19]See: *Ill. Rev. Stat. Ch. 91 1/2, par. 501 et. seq.; Ill. Rev. Stat. Ch. 37, par. 702-3.1.*

[20]See *Ill. Rev. Stat. Ch. 37, pars. 702-4(1), 702-5.*

[21]See *Ill. Rev. Stat. Ch. 37, par. 702-4(2).*

rehabilitative treatment, and dispositions were based on the needs of the particular child. The juvenile court functioned under the theory that its proceedings were non-criminal and were designed to prevent the child from becoming an adult offender. Under this concept, the courts and other agencies focused on the offender rather than the type of offense or the needs of the victim.[22]

As originally designed, the juvenile court heard all cases involving minors. The court also dealt with status offenses: minors' acts that were considered socially unacceptable, but ones that would not be a crime if committed by an adult (for example, incorrigibility, running away, and truancy).

By the 1960s, Illinois, like many other states, recognized that the juvenile court system could not always address the needs of all children. As a matter of policy, the State decided to divert non-delinquent children from traditional criminal justice institutions to social service agencies, such as the Department of Children and Family Services or the Department of Mental Health and Developmental Disabilities. Generally, the policy focus in the 1960s and 1970s was on children who required treatment, not on minors who were involved in crimes.

During the 1960s, the greatest policy consideration regarding delinquent children was to ensure that their due process rights were protected during court proceedings. The U.S. Supreme Court decided a series of landmark cases ensuring that minors received the same constitutional protections as adults did in criminal trials.

In *Kent v. United States*, for example, the Supreme Court established three new rights for juveniles: minors should have the right to an attorney during juvenile proceedings; a hearing is required before the juvenile court could agree to transfer a minor to the adult criminal court; and the minor's attorney should have access to records relied on by the court.[23] The case of *In re Gault* stressed the minor's right to an attorney, provided that the courts must notify the parties of the charges against the child, and accorded the minor a right to confront and cross-examine witnesses.[24]

In 1970, the Court held, in *In re Winship*, that the standard of proof in juvenile delinquency proceedings must be "beyond a reasonable doubt," the same high level of proof required to convict an adult.[25] Finally, in *Breed v. Jones*, the Court ruled that minors must be offered the double jeopardy protections of the Fifth Amendment.[26]

The only case in which the Court refused to grant to minors rights comparable to those for adults was *McKeiver v. Pennsylvania*. In this 1971 case, the Court held that juveniles did not have an unqualified right to a jury trial, in part because unnecessary publicity might result.[27]

Illinois soon incorporated these Supreme Court decisions into its own juvenile policies and laws. In all juvenile proceedings in the State, the procedural rights of minors must now be the same as the rights of adults, unless specifically precluded by law. In a juvenile proceeding, a minor and his or her parent, guardian, legal custodian, or responsible relative have a right to be present, to be heard, to present evidence, to cross-examine witnesses, to examine pertinent court files and records, and to be represented by counsel. Parties are entitled to receive notice of any petition filed with the juvenile court, and the court must explain the

[22]See SEARCH Group, Inc., ***Privacy and Juvenile Records***, U.S. Department of Justice, Bureau of Justice Statistics, 1982.

[23]See *Kent v. United States*, *383 U.S. 541*, 1966.

[24]See *In re Gault*, *387 U.S. 1*, 1967.

[25]See *In re Winship*, *397 U.S. 358*, 1970.

[26]See *Breed v. Jones*, *421 U.S. 519*, 1975.

[27]See *McKeiver v. Pennsylvania*, *403 U.S. 528*, 1971.

nature of the proceedings and inform the parties of their rights when they first appear. A minor cannot be sanctioned if he or she refuses to testify in the course of any hearing held before a final adjudication. In addition, all juvenile proceedings are closed, except to the news media and the victim, and the court may order any person present not to disclose the minor's identity.[28]

Before 1982, a state's attorney could decide initially if a minor would be tried as an adult (although the chief judge of the judicial circuit in which the case would be handled could make a final decision if the juvenile court judge objected to the state's attorney's decision). Based on the *Kent v. United States* decision, the Illinois General Assembly changed State law so that a child 13 years of age or older could not be transferred to the criminal court for prosecution solely on the state's attorney's motion. Rather, the juvenile court judge alone could make that transfer decision after a hearing and investigation.[29]

The General Assembly also changed the law to ensure that minors under age 13 who are adjudicated delinquent would be referred to the Department of Children and Family Services instead of being committed to the Department of Corrections. In addition, minors who are in temporary custody cannot be kept in county jails unless they are separated from adults, and minors may be kept in jail for only a limited time. The kinds of dispositional orders available to the juvenile courts also have been incorporated into State law, as have alternatives to formal dispositions, such as continuance under supervision. Furthermore, the evidentiary procedures used in juvenile proceedings are expressly stated in Illinois statutes.[30]

By the late 1970s and early 1980s, however, a shift in policy occurred, and juvenile justice professionals began reexamining their approach to certain juvenile offenders. Many public policymakers and private citizens apparently believed that a juvenile crime wave was under way, particularly in large urban areas with heavy youth gang activity. Confronted with national studies that showed repeated serious criminal activity by a small percentage of juveniles (who often continued their criminal careers into adulthood), policymakers in Illinois passed a series of laws designed to punish juvenile delinquents who committed serious offenses. At least for certain juvenile offenders, public policy had shifted from the nonculpability rehabilitation model of juvenile justice to an interest in holding serious juvenile offenders responsible for their crimes and in punishing them.[31]

In 1982, Illinois passed the Habitual Juvenile Offender Act. Under this law, any minor who has been adjudicated delinquent twice for offenses that would have been felonies if he or she had been prosecuted as an adult and who is adjudicated delinquent a third time for certain serious offenses may be considered a habitual juvenile offender. If the third offense involves a serious crime--murder or attempted murder; voluntary or involuntary manslaughter; criminal or aggravated criminal sexual assault; aggravated or heinous battery involving permanent disability, disfigurement, or great bodily harm to the victim; burglary of a home or other residence; home invasion; robbery or armed robbery; or aggravated arson--the adjudicated habitual juvenile offender must be committed to the juvenile division of the Department of Corrections. While the juvenile may earn credit for good conduct, he or she must remain

---

[28] See *Ill. Rev. Stat. Ch. 37, pars. 701-2 and 701-20.*

[29] See *Ill. Rev. Stat. Ch. 37, par. 702-7(3)* and council commentary.

[30] See *Ill. Rev. Stat. Ch. 37, pars. 704-7 and 705-2.*

[31] See: U.S. House of Representatives, Select Committee on Children, Youth, and Families, ***Youth and the Justice System: Can We Intervene Earlier***, 98th Cong., 2nd Sess., 1984; U.S. Senate, Committee on the Judiciary, ***Serious Youth Crime: Hearings Before the Subcommittee to Investigate Juvenile Delinquency***, 95th Cong., 2nd Sess., 1978; Opinion Research Corporation, ***Public Attitudes Toward Youth Crime***, University of Minnesota, 1982; Jeffrey Fagan and Eliot Hartstone, "Strategic Planning in Juvenile Justice--Defining the Toughest Kids," ***Violent Juvenile Offenders***, Robert Mathias (ed.), 1984; President's Task Force on Violent Crime, ***Final Report***, Washington D.C.: Government Printing Office, 1984.

in the department's custody until age 21, without possibility of parole, furlough, or non-emergency authorized absence from confinement.

The General Assembly amended the Juvenile Court Act again in 1984. This time, the Legislature took transfer decisions (whereby jurisdiction of a juvenile case is transferred from the juvenile court to the adult criminal court) away from juvenile court judges in cases where a minor is accused of committing certain crimes. In Illinois, the definition of a "delinquent minor" excludes any person who is at least 15 years old at the time of the alleged offense and who is charged with murder, aggravated criminal sexual assault, or armed robbery committed with a firearm. Now, all such cases *must be* prosecuted in the criminal courts.

The shift in policies regarding serious juvenile offenders is reflected in more than just State laws. For example, the Cook County State's Attorney's Office in 1984 created a special unit within its juvenile division to prosecute repeat juvenile offenders. This action came after a State's Attorney's Office study revealed that youths age 16 and younger were involved in 31.4 percent of the arrests for serious crimes in Cook County in 1982. In addition, they found that 1.1 percent of juveniles in Chicago had 10 or more arrests on their records, and that these offenders accounted for 36.6 percent of all juvenile arrests and 50.4 percent of all juvenile court referrals.[32]

Confidentiality vs. Disclosure

Juvenile information policies also have changed as the juvenile justice system has split into the treatment model and the punitive model. For minors who have not committed any offense but who are referred to social service agencies, juvenile justice professionals generally agree that medical and treatment records should be highly protected, as they are now by law. Here are some examples of this type of protection:

1. All records maintained by the Department of Children and Family Services and the child-care facilities or institutions it contracts with are confidential.[33]

2. All records of the Illinois Juvenile Justice Commission are confidential, although the DCFS director may authorize disclosure to law enforcement officials pursuant to certain rules and regulations.[34]

3. If a minor is referred to a crisis-intervention or alternative voluntary residential placement center, all information is confidential.[35]

4. Records about dependent and neglected children are confidential; they may be disclosed only to a law enforcement agency investigating a report of known or suspected child abuse or to a grand jury.[36]

5. Any records kept when a minor is receiving mental health services are confidential and may be disclosed only in limited circumstances.[37]

6. Alcohol and drug-abuse records of children receiving treatment are protected.[38]

---

[32]See Illinois Criminal Justice Information Authority, *the Compiler*, Fall 1984.

[33]See *Ill. Rev. Stat. Ch. 37, pars. 2225, 2228, 5006a, and 5006b.*

[34]See *Ill. Rev. Stat. Ch. 23, par. 5035.1.*

[35]See *Ill. Rev. Stat. Ch. 23, pars. 2225 and 2228.*

[36]See *Ill. Rev. Stat. Ch. 23, par. 2061.*

[37]See *Ill. Rev. Stat. Ch. 91 1/2, par. 801 et. seq.*

[38]See: *Ill. Rev. Stat. Ch. 91 1/2, par. 501 et. seq.; Ill. Rev. Stat. Ch. 111 1/2, par. 6301 et. seq.*

With respect to minors who commit criminal offenses, however, juvenile and criminal justice professionals increasingly assert that protecting the confidentiality of such information not only is unnecessary but also hinders the detection of juvenile crimes. The major arguments for confidentiality *vs.* disclosure of juvenile offender information to legitimate criminal justice agencies are summarized here.

Arguments for Confidentiality

1. Proponents of confidentiality believe that disclosing juvenile justice information will reinforce a minor's *tough guy* image, provide notoriety, and increase the delinquent's status among his peers. Therefore, disclosure may actually encourage minors to commit more criminal acts.[39]

2. Proponents assert that disclosure may unnecessarily stigmatize and label minors who will never commit another offense once they reach adulthood. If such children are labeled delinquents by the community, they will be less responsive to rehabilitation because the community may persist in seeing the child as a "criminal," which may affect the child's self-image.[40]

3. Before states passed laws restricting access to juvenile justice information, a person with a juvenile record could have a harder time finding a job, joining the military, getting credit, obtaining licenses, or otherwise participating in society. If juvenile justice information is made available to inappropriate parties, a minor's options will be limited, and he or she may be driven into a criminal career.[41]

4. Proponents of confidentiality often use the traditional philosophy of non-culpability and treatment *vs.* punishment as a further justification for continued confidentiality of information.

Arguments for Disclosure

1. Proponents of greater disclosure assert that current confidentiality policies are so restrictive that juvenile justice agencies are unable to obtain the information needed to make decisions that are in the best interests of the child. They assert that increased access by criminal and juvenile justice agencies would promote services for children. The lack of information and the protective attitude of each agency about its records work against the minor's best interest and cause alienation among professionals who have one common interest: the child. Also, the lack of information can mean that a minor will fall *through the cracks* in the system and not receive needed services.

2. Disclosure will protect public safety by helping identify serious or violent juvenile offenders early in their criminal careers. To protect the public, criminal justice agencies, in particular, should have some information on a minor's previous contacts with the juvenile justice network and on the disposition of his or her cases. Because many different agencies in many different locations may come into contact with the same child, those agencies need to exchange information about the juvenile to prevent the minor from being treated as a first offender in each location. Proponents assert that the juvenile justice system should move closer to a criminal model for serious juvenile offenders. They also say that authorities should be able to obtain data in order to iden-

---

[39] See Gardner, "Publicity and Juvenile Delinquency," *Juvenile Court Judges Journal*, 15:29, 1964.

[40] See LaMar Empey, *American Delinquency*, pp. 341-365, Dorsey Press, 1978.

[41] See *Standard Relating to Juvenile Records and Information Systems*, Institute of Judicial Administration/American Bar Association, Commentary on Standard 4.3, 1978.

tify those offenders because, at least for some juveniles, rehabilitation has failed.[42]

3. Many juvenile justice practitioners, including some judges, are concerned that confidentiality hinders public oversight of the juvenile justice system. Proponents of disclosure assert that confidentiality of proceedings and information shelters the juvenile justice system from an evaluation of its performance and from public accountability. Others note that due process rights have been accorded juveniles and that minors, like adults, should have the same right to a public trial to protect against abuse of judicial power. Thus, the right to a public hearing and public records is an essential element of fairness to the accused child.[43]

In Illinois, the debate over confidentiality *vs.* disclosure of juvenile justice information has resulted in a gradual evolution of often contradictory laws governing such information. These contradictions in information laws and policies appear to create not only fragmentation of the juvenile justice network, but also confusion among practitioners about what the overriding policy is in Illinois concerning juvenile information.

Legal Issues Regarding Juvenile Justice Information

As noted earlier, Illinois has created many laws governing the management of juvenile justice information that is maintained by various agencies that deal with many different legal categories of minors. These laws, which are examined in this section, contain contradictory provisions and cause confusion among juvenile justice officials about exactly how they should manage juvenile records. Rather than being complementary and promoting a coordinated information system within the State, the laws have been developed independently. This disjointed approach is reflected in the obvious conflicts in language and stated policies embodied in the statutes. Several of the most critical State laws that appear to be causing specific problems for juvenile justice professionals are examined here.

Jurisdictional Age Differences

Whether or not a minor falls within the jurisdiction of the juvenile justice network is usually determined by his or her age. Illinois law describes many different ages for minors who must be handled within the system and those who must be removed from the system:

1. A minor is anyone under the age of 21 who is subject to the jurisdiction of the juvenile court.

2. A minor can be adjudicated delinquent only if he or she is under the age of 17.

3. Children between the ages of 13 and 17 may be transferred to the adult court for prosecution.

4. Minors who must be transferred to the criminal court if they commit certain acts must be between the ages of 15 and 17.

5. Minors under the age of 18 may be found to be in need of authoritative intervention, or they may be deemed neglected, abused, or dependent.

6. Minors under the age of 21 may be found to be addicted to drugs or alcohol.

---

[42] See: ***The Serious Juvenile Offender: Proceedings of a National Symposium***, pp. 175-181, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1977; National Council of Juvenile and Family Court Judges, "The Juvenile Court and Serious Offenders," ***Juvenile and Family Court Journal***, 1984.

[43] See SEARCH Group, Inc., ***Privacy and Juvenile Justice Records***, U.S. Department of Justice, Bureau of Justice Statistics, 1982.

7. No adjudicated delinquent may be placed in the Illinois Department of Corrections' juvenile division unless he or she is over 13 years of age.

8. State law authorizes the Department of State Police to administer a central adjudicatory records system for persons under the age of 19.[44]

Arrest vs. Custody

Historically, law enforcement agencies have had wide discretion in apprehending juveniles and/or referring them to the court. Juvenile codes in many states indicate that police may only "take into custody" juveniles, and not "arrest" them. This distinction, however, is vague, since police in fact are physically doing the same thing whether they arrest a juvenile or take a juvenile into custody.[45]

Legally, using the term "arrest" can affect the maintenance of juvenile justice information. The Department of State Police's Bureau of Identification (BOI) maintains records of arrests for persons charged with crimes and later tried in the criminal courts. By law, criminal justice agencies must report arrest records to the BOI. If the record of a minor is considered an arrest, such information could be forwarded to the BOI for inclusion in its Statewide criminal history information system, if criminal proceedings are ordered by the court.[46]

In Illinois, the term "arrest" has been used loosely in the Juvenile Court Act. The act specifically states that when a law enforcement officer takes an alleged delinquent into custody, the taking of that child into temporary custody "is not an arrest nor does it constitute a police record."[47] When the police pick up a runaway or an incorrigible child, the term used is "limited custody."[48] But the taking of a minor into "limited custody" is not an "arrest" either, nor does it constitute a police record.

In other words, the terms "temporary custody" and "limited custody" are used throughout the Juvenile Court Act. However, the word "arrest" also appears frequently. For example, one section provides that law enforcement officers may not disclose the identity of any minor in releasing information to the general public about an "arrest," investigation, or disposition involving any juvenile case.[49] Furthermore, the act states that persons may petition to have their juvenile records expunged if, among other conditions, the minor was "arrested" and no petition for delinquency was filed with the clerk of court. Thus, the words of art for referring to the taking of a minor into custody by the police have been used interchangeably with the word "arrest."

The Requirement of Court Orders

Since the 1960s, Illinois juvenile justice policy has generally focused on the need to divert minors from the court system. Many minors must be referred to social service agencies before they are petitioned into court. The General Assembly also has expanded the power of law enforcement, court service, and social service agencies to form networks to provide alternative dispositions, short of a court appearance, for minors. The juvenile courts themselves now have the express power to use alternative dispositions that encourage the delinquent child to work, study, perform public service, and make restitution to victims.

---

[44]See *Ill. Rev. Stat. Ch. 37, pars. 701-13, 702-2, 702-3, 72-3.1, 702-4, 702-5, 702-7.*

[45]See U.S. Department of Justice, ***Criminal Justice Information Policy, Privacy and Juvenile Justice Records***, 1982.

[46]See the ***Uniform Disposition Reporting Act*** and the enabling legislation for the Department of State Police.

[47]See *Ill. Rev. Stat. Ch. 37, par. 703-1.*

[48]See *Ill. Rev. Stat. Ch. 37, par. 703-1.1.*

[49]See *Ill Rev. Stat. Ch. 37, par. 702-8.*

To make intelligent decisions about these alternative dispositions, particularly in delinquency cases, professionals ideally should have enough information about the child, his or her family, and the needs of the community. We have already noted that juvenile officers are required to consider a child's offense history when making a station adjustment. But other criminal justice professionals are directed to consider that history as well.

For example, when a minor is delivered to the court or to a shelter or detention facility, court services personnel must immediately investigate the minor and the reasons why he or she was taken into custody. In addition, probation officers may hold preliminary conferences before a petition is filed to formulate a written, non-judicial adjustment plan for informal supervision or treatment. Like police juvenile officers considering a station adjustment, these probation officers are directed by law to consider the history of the minor and his or her family when holding any preliminary conferences.[50] But probation officers also can run into problems gathering adequate information about the child's history, particularly if the child has lived in many different jurisdictions within the State (or in other states) or if he or she has committed offenses in different municipalities throughout Illinois.

In a detention hearing the juvenile court also must consider the minor's record of delinquency and the minor's history of willful failure to appear after the issuance of a summons or warrant. But before the juvenile court holds a dispositional hearing, the judge may order a pre-disposition report that summarizes the child's physical and mental history, family situation and background, economic status, education, occupation, history of delinquency or criminality, personal habits, and any other helpful information. The juvenile court then reviews this report when making its final decision.

Given these legal mandates to law enforcement officials, probation officers, and other criminal justice agencies that regularly have contact with minors, the need for adequate information is obvious. But while Illinois policy overall has emphasized diverting minors from the court system through the intelligent use of background information, current State policy regarding juvenile justice information requires that a court order be issued before information may be exchanged by agencies in the juvenile justice network. In many instances, before professionals can analyze information about the child and make diversion decisions, they must seek a court order to gather the very information they are charged by law to consider. Having to seek a court order may detract from a system designed to relieve an overburdened court and to ensure that public officials work cooperatively to divert the child from the court.

Social service agencies also face difficulties getting adequate information. Typically, these agencies may access law enforcement records only if they have been ordered by the juvenile court to supervise or provide care and custody for a minor. If the court has not yet intervened and issued such an order, social service organizations apparently may not inspect or copy law enforcement records. This restriction limits their potential to work cooperatively with police juvenile officers in devising alternative dispositions.

Victims, their subrogees, and their legal representatives have the right to copy and inspect juvenile court records in order to seek compensation or restitution. However, these persons may obtain only the name and address of the minor and the disposition of the juvenile court proceeding. If, as happens in many instances, the case is disposed of informally without a formal court disposition or hearing, victims apparently cannot obtain information about the juvenile who committed an offense against them without a court order.[51]

If a law enforcement agency investigating a delinquency case wants to determine whether or not the child has a history of being abused or of running away from home, that

[50] See *Ill. Rev. Stat. Ch. 37, par. 703-8.*

[51] See: *Ill. Rev. Stat. Ch. 37, par. 702-9*; Illinois Senate Bill 1436.

agency generally cannot obtain such information. Rather, the police must be investigating a report of known or suspected child abuse or neglect before the information can be gathered. State law does not even authorize a court to disclose such information to law enforcement officials, despite the fact that some children commit delinquent acts after running away from home to escape abuse or neglect.[52]

If a child is committed to the care and custody of the Department of Children and Family Services, all case and clinical records are confidential. They may be disclosed to other criminal justice agencies only by the department's director or pursuant to court order.[53] Similarly, records of persons being treated for alcohol or drug abuse may be disclosed only by court order when good cause has been shown.[54]

Thus, in many cases, the juvenile court controls access to juvenile records. The policy of requiring a court order before information may be exchanged by legitimate agencies that are part of the juvenile justice network often interjects the court into a system designed to promote alternative dispositions and interagency cooperation. Moreover, the laws often are silent on whether or not the child and his or her parents or guardian can sign a written waiver authorizing the disclosure or exchange of such information. Such a procedure could promote communication and treatment in the best interest of the child.

Expunging, Purging, and Sealing of Juvenile Records

Current Illinois law does not provide for the automatic destruction, purging, or sealing of juvenile record information. Instead, the subject of the record must file an expungement petition with the courts. Under current laws, a person may have his or her juvenile record expunged in one of two ways. First, whenever a person turns 17 or whenever all juvenile court proceedings against him or her have ended, the person may petition for the expungement of all law enforcement and court records about incidents occurring before his or her 17th birthday. However, the petition may be granted only if certain conditions are met: if the minor was arrested but no delinquency petition was filed with the court, if the minor was charged with an offense and was found not delinquent, or if the minor successfully completed a term of supervision.

Second, a person may petition for the expungement of all law enforcement records about incidents prior to his or her 17th birthday that did not result in adult criminal proceedings and all juvenile court records about any adjudications, except murder, under certain conditions: The person may not have been convicted of any crime since turning 17, and 10 years must have elapsed either since the 17th birthday, since all juvenile court proceedings ended, or since any commitment to the Department of Corrections has ended, whichever is later.

If the record subject never files an expungement petition, Illinois law provides little guidance to local agencies on how or when juvenile justice information should be kept, destroyed, or sealed. The Local Records Act provides some help for local agencies, but following the act can result in different policies in different locations throughout the State. And while the law that authorized the Department of State Police to create a Statewide juvenile adjudication system requires the department to destroy all individually identifiable records when the person reaches age 19, it does not address when local law enforcement records should be expunged, sealed, or purged.

Sealing, purging, and expunging of juvenile records represent a widely recognized means of ensuring their confidentiality. The lack of a uniform policy on how long and in what form

---

[52] See *Ill. Rev. Stat. Ch. 23, pars. 2061, 2061.1, and 2085.*

[53] See *Ill. Rev. Stat. Ch. 23, par. 5035.1.*

[54] See *Ill. Rev. Stat. Ch. 111 1/2, par. 6307.1.*

such information should be retained means that different jurisdictions and agencies may instead formulate their own policies. The likely result is uncoordinated information practices.

Major Juvenile Justice Information Systems in Illinois

Various public agencies in Illinois have implemented juvenile justice information systems. Usually, these systems are designed to serve the specific needs of the agencies that maintain them, not to facilitate communication among different components of the juvenile justice network. Some of these information systems, both past and existing, are discussed here.

The Rolling Meadows File

Despite the legislative intent to preserve the confidentiality of juvenile records, the General Assembly previously authorized the voluntary interdepartmental sharing of police juvenile records. In 1975, the Illinois Commission on Delinquency Prevention was created to:

> . . . develop a Statewide central records system for juveniles and make information available to local registered participating police youth officers so that police youth officers will be able to obtain rapid access to the juvenile's background from other jurisdictions to the end that the police youth officers can make appropriate dispositions which will best serve the interest of the child and the community.[55]

The following year, the General Assembly amended the law so that information in the file would be limited to records of adjudications and court dispositions. The amended law also required that all records be destroyed when a person reached age 19. The commission was directed to design rules to guarantee the confidentiality of individually identifiable adjudicatory and dispositional records, except when used for the following purposes:

1. By authorized juvenile court personnel or the state's attorney in connection with proceedings under the Juvenile Court Act.

2. Inquiries from registered police youth officers.

Moreover, the commission had to design rules and hearing procedures to allow the minor and his or her representatives to review the file for determining or challenging the accuracy of its records. Final administrative decisions were subject to the provisions of the Administrative Review Act.

The commission located its central repository in Rolling Meadows, a suburb northwest of Chicago. It established the repository as a voluntary, manual central records system. Each local police chief could designate certain juvenile officers who had authority to access the file, and each juvenile officer received an identification card. Officers participating in the system recorded on manual forms information about all minors who had been detained during a one-month period. Juvenile officers could then telephone the file 24 hours a day to receive background information on a particular minor.

However, the file, as implemented, contained information beyond adjudications and dispositions; reports were collected about "apprehensions" or "contacts" with minors. Nor was the information limited to delinquency adjudications; the file also contained information on runaways, truants, uncontrollable and incorrigible children, dependent and neglected children, and minors under investigation and suspicion. Because police departments and the courts

[55] See: *Ill. Rev. Stat. Ch. 23, par. 701 et. seq.*; Public Act 79-944, Sec. 5.9; *Ill. Rev. Stat. Ch. 23, par. 2705.9*, repealed by Public Act 80-1300.

were not required to report information to the file, only certain police departments participated. Moreover, there was no obligation to update the file by reporting the latest disposition on each case.

The Department of State Police

In 1978, the General Assembly repealed the Commission on Delinquency Prevention's power to operate its central repository in Rolling Meadows and transferred that right to the Department of Law Enforcement (now the Department of State Police). However, the DSP to date has not exercised this power for two reasons. First, the department would require extensive additional resources to implement any system. And second, because State law prohibits the DSP from receiving a minor's fingerprints from law enforcement agencies without a court order, the department has no mechanism to ensure that juveniles are identified accurately and that information is associated with the proper person.

The Department of Children and Family Services

The Department of Children and Family Services (DCFS) is one Statewide agency that currently maintains central computerized records about minors who come into contact with its network of agencies. The DCFS provides services to abused and neglected children, minors requiring authoritative intervention, and, in certain instances, delinquent children.

The DCFS operates several different information systems that contain data about youths and their families. The Child Abuse/Neglect Tracking System (CANTS) contains all information about abused or neglected children. Through its institutions, facilities, and offices, the department maintains records about: all persons receiving services, all persons for whom a child-abuse or neglect report has been indicated, and all persons for whom a decision about a child-abuse or neglect report has not yet been made. All identifying information about any report held in the State or local index must be expunged no later than five years after the report is closed. However, if a later report involving any of the same subjects or the siblings or offspring of the child subjects is received, identifying information about the subjects of all indicated reports must be maintained for five years after the last report. All such records are confidential and cannot be made available to the general public.

Access to records of child-abuse and neglect reports is allowed without consent in certain instances. Persons and organizations that may access the information without the consent of the record subjects include: law enforcement officers investigating a report of suspected child abuse or neglect, state's attorneys performing their assigned duties, a court after an *in camera* hearing and a finding that access is necessary to decide an issue before it, a grand jury, and law enforcement officers or courts in other states that are involved in suspected or actual cases of abuse or neglect (and then only for aiding the investigation, assessment, or service provision in the requesting state).

If the DCFS staff receives approval from an immediate supervisor, it will release information to state's attorneys, the Illinois attorney general, and municipal and sheriff's police in the State or other jurisdictions, when releasing the information is consistent with the child's safety and well-being or when the information is relevant to a pending investigation. In all other instances, law enforcement agencies requesting identifiable information must receive permission from the DCFS director or his or her designee. Persons who have subpoenas or court orders may receive information, unless the department seeks to limit or quash the court order.

A second DCFS information system is the Youth Service Information System (YSIS), which contains records of the services provided by agencies under the DCFS umbrella. Individual record subjects are identified by number. No personal information is entered into the system, although the local service agency maintains this information in its own files. The Juvenile

Monitoring Information System (JMIS), another information system the DCFS operates, contains data on all juveniles placed in detention centers throughout the State. No individual identifiers are entered into the system.

The DCFS also works cooperatively with the Department of State Police, which administers the I-SEARCH (Illinois State Enforcement Agencies to Recover Children) information system for missing children. The I-SEARCH system is coded by name. The DCFS also has a file called the Crisis Intervention Child Information System (CICIS), which contains information on children, primarily runaways, who require authoritative intervention. However, CICIS is not coded by name, and there is currently no way to search through the the system to determine if a runaway is a missing child or *vice versa*. The Department of State Police, local police agencies, and local treatment centers that service runaways are now working on coordinating the CICIS and I-SEARCH systems.

The Cook County State's Attorney's Office

The Cook County state's attorney's chief information system is called PROMIS, and it includes data on both adult and juvenile cases. If a minor is referred to the State's Attorney's Office by a local agency, the juvenile's complete record for Cook County is available through PROMIS. However, the minor's history in other counties is not included in the system.

Each juvenile file contains certain automated records on minors referred to the State's Attorney's Office, including: identifying information on the minor and his or her family, pending charges, a notation of any gang affiliation, and the status of the pending case. The office also works with staff from the DCFS and the Chicago Police Department's youth division who are assigned to the juvenile court. When a minor enters the court system, the Chicago Police Department or the DCFS can provide copies of the minor's record with those agencies to the State's Attorney's Office.

When an assistant state's attorney is assigned a juvenile case, he or she receives a folder with a police department records check, the petition, and relevant legal papers. In each case, the prosecutor must determine whether or not the minor should be processed as a habitual juvenile offender. The prosecutor also contacts the records division of the juvenile court, which has its own computer system, to obtain the prior record of adjudications; this information may used in dispositional hearings. The court records include the case number, identifying information on the minor and the family, charge information, prior records of adjudications, and dispositions.

In addition to PROMIS, the State's Attorney's Office maintains manual records on each juvenile case. The file contains copies of police reports, police background checks, social service reports, and legal documents. Each assistant state's attorney maintains his or her own manual files, so if a minor is adjudicated delinquent, the prosecutor keeps the file until the disposition hearing is completed. If the minor is remanded to the Illinois Department of Corrections, the manual file is placed into a central repository. Once a case has been terminated, the manual files are shredded.

Every day, juvenile court judges prepare a summary sheet for their cases, and every day, this information is entered into PROMIS. No juvenile records on PROMIS are expunged unless an expungement petition is granted.

The Chicago Police Department

Approximately half of the juveniles taken into custody in Illinois are apprehended by the Chicago Police Department. The department, through its youth division, also operates one of the most sophisticated internal juvenile records systems in the State. The youth division has both manual files and computerized records. The "alpha file," the central alphabetical file for

juveniles, contains information on youths who are taken into custody for processing as potential delinquents. Presently, more than 300,000 records are maintained in this database. In addition to information on arrested juveniles, the alpha file contains information on abused and neglected children. For these minors, child-care placement referral information is placed in the file.

Police contacts with minors that do not result in an arrest are recorded on juvenile justice information reports, which are kept in a separate manual card file. The information is not entered into the computer, and the cards are destroyed one year after the event. Status offenses for minors requiring authoritative intervention are maintained in another manual file, and that information is not placed in the computer either. Information about status offenses is purged from the file when the child turns 18. Still another manual file contains the fingerprints and photographs of all juveniles arrested for a crime that would be a felony if committed by an adult. All prior arrest records for juvenile offenders who have turned 17 are placed into the over-age file. These records are maintained in a separate location until the subject reaches age 25, at which time they are destroyed.

The youth division strictly controls access to its juvenile justice information. Within the police department, only authorized youth officers may review any records. The department also has cooperative agreements with other police departments in Cook County so that the youth officers in those agencies can obtain information from Chicago's files. In conjunction with various suburban juvenile officers' associations, the department has established a system of code numbers for controlling outside access to its juvenile justice information. Youth officers in other departments are assigned unique code numbers, which they can use to telephone the Chicago Police Department's youth division.

All arrest records on juvenile offenders in Chicago are entered into the computerized juvenile record database. At the current time, court dispositions are being entered manually.

The Police Information Management System

The Illinois Criminal Justice Information Authority operates the Police Information Management System (PIMS) for more than 30 Illinois police departments, primarily in the northern part of the State. In 1983, the PIMS Advisory and Police Board, which includes representatives from the local police departments in the PIMS network, examined the issue of managing juvenile arrest records on the PIMS database. The board decided that all PIMS departments should have access to the juvenile arrest records maintained on the system and that each department should set policies that meet the confidentiality requirements of the Juvenile Court Act concerning the interdepartmental sharing of juvenile records in any investigation.

Each PIMS agency controls access to its own records. When a police department joins the computer network, it is connected through a network information system to other departments. While juvenile justice information can be accessed by other departments on the network, each department still has the responsibility to require that the information will be used only for lawful purposes by authorized personnel.

Controlling access to juvenile records maintained on PIMS includes several aspects: (1) control of the physical access to PIMS terminals; (2) control of system access which permits entry into juvenile records, and (3) development of standards for determining if access should be allowed in a particular investigation. Generally, access to juvenile records is not reserved to juvenile officers; however, PIMS juvenile records are flagged as "juvenile" when they are accessed. To read the record, the officer must have a special access number.

Juvenile records in PIMS are maintained on the same computer database as the adult records, and the "separate storage" mandate of the Juvenile Court Act is met by strict access codes and methods.

The Cook County Juvenile Court

The Cook County Juvenile Court--the largest of its kind in Illinois--collects, stores, analyzes, and disseminates data on juveniles through an automated information system. This system collects information from a variety of internal and external sources. The information is then used for the court's own purposes and for disseminating, on a *need to know* basis, to other juvenile justice agencies.

When it processes a juvenile, the court compiles various information, including:

- Intake interview and background information.
- Social investigation data.
- Treatment Alternatives to Street Crime (TASC) reports.
- Parole notification information.
- Law enforcement arrest data.
- Intervention services data.
- DCFS information.
- Department of Corrections data.
- School records.
- Information from courts outside Cook County.

These sources produce a comprehensive package of information on juveniles who are processed by the court. The information provides the background data that judges and other juvenile court staff need to make sound decisions in cases before the court.

The juvenile court disseminates portions of its information to other juvenile justice agencies on a *need to know* basis. Agencies that receive the data include probation departments, treatment organizations, law enforcement agencies, state's attorneys, the Illinois Department of Corrections and other out-of-state agencies (through an interstate compact).

The Administrative Office of the Illinois Courts

The Administrative Office of the Illinois Courts (AOIC) collects statistical information on all juvenile court cases in Illinois. The AOIC stores and analyzes this juvenile case activity information and then disseminates it to concerned agencies, both Statewide and nationally.

The AOIC's probation division collects comprehensive caseload activity reports from all juvenile probation departments in the State. These reports include the following information:

- New cases filed.
- Demographic data.
- Types of supervision assigned.
- Number of successful completions.
- Warrant status.
- Cases dropped.
- Administrative caseload data.
- Social histories.

The AOIC collects this information monthly and reports it publicly once a year. Typically, this information is also distributed to the courts that originally submitted the data, as well as to social service groups, planning agencies, and some agencies outside Illinois.

In addition to probation information, the AOIC also publishes an annual report detailing all juvenile cases reported in the State. These caseload statistics are organized by judicial circuit and are broken down into various other categories. This report is also distributed Statewide and nationally, upon request.

The Illinois Department of Corrections Juvenile Division

Whenever a juvenile is committed to the Illinois Department of Corrections (IDOC) under the Juvenile Court Act, the law requires the clerk of the court to forward the following information to the IDOC's juvenile division:

- The disposition ordered.
- All reports.
- The court's statement of the basis for ordering the disposition.
- Any additional matters the court directs the clerk to transmit.[56]

In addition, criminal law and procedure in Illinois requires the IDOC to maintain "records of examination, assignments, transfer, discipline of committed persons and what grievances, if any, are made in each of its institutions, facilities and programs."[57]

This combination--the mandated transfer of court information to the IDOC and the creation of discrete institutional information once the juvenile is transferred--allows the IDOC to develop a basic set of information on each juvenile in its system. This information is maintained at the institution where the juvenile is held. In addition, State law requires the IDOC to maintain a master record file for administrative purposes. This file contains the same information as the institutional files, but is maintained separately in the IDOC's administrative offices.

---

[56]See *Ill. Rev. Stat. Ch. 37, par. 705-10*

[57]See *Ill. Rev. Stat. Ch. 38, par. 1000-5-2.*

The National Response

Federal Government Policies

In addition to analyzing historical and existing juvenile justice information policy in Illinois, it is also important to observe national and other states' policies. This section of the report addresses major policy issues on the national level that directly relate to Illinois' concerns.

Prior to the 1960s, many states had no specific laws requiring that juvenile records be kept confidential. Before confidentiality laws were enacted to close juvenile proceedings and to prevent public disclosure of juvenile justice information, parties such as employers, colleges, credit agencies, and the media could sometimes gain access to juvenile records. Consequently, even if a person were arrested as a juvenile but never found delinquent, he or she could be stigmatized in later life by a juvenile arrest record. Furthermore, many government agencies lacked internal controls to ensure the confidentiality of juvenile justice information from employees with no legitimate *need to know*.

In the 1970s, the Federal government, at the urging of many criminal justice professionals, recommended that the states pass laws defining policies and procedures to ensure the confidentiality of juvenile records. As recordkeeping systems became increasingly numerous, sophisticated, and automated, many professionals grew concerned that some persons could be stigmatized for decades after they committed youthful indiscretions because such records were retained indefinitely. These professionals also worried about the accuracy, use, and misuse of information about minors and their families.[58]

Under the Crime Control Act of 1973, the U.S. Congress required the Law Enforcement Assistance Administration to protect criminal history information collected, stored, or disseminated by agencies that received Federal funds. The regulations controlling juvenile records required states to ensure that information about delinquent children would not be released to non-criminal justice agencies, with certain narrow exceptions.[59]

In 1978, Congress amended the Youth Corrections Act to prohibit Federal district courts that heard juvenile matters from disclosing their juvenile records without a court order. However, even after those records had been sealed, Congress authorized disclosure to certain agencies and persons, including: another court of law, an agency preparing a presentence report for the court, law enforcement agencies where the request related to a criminal investigation or a job application within the agency, an agency directed by the court to provide treatment to the minor, an agency considering the person for a position that immediately and directly affected national security, and any victim or the immediate family of a deceased victim.[60]

At the same time, Federal criminal justice agencies, as a matter of internal policy, also placed limitations on disclosing their juvenile justice information. For example, the FBI, which

---

[58]See: National Advisory Committee on Criminal Justice Standards and Goals, ***Report of the Task Force on Juvenile Justice and Delinquency Prevention*** (1976); Institute of Judicial Administration/American Bar Association Joint Commission on Juvenile Justice Standards, ***Standards Relating to Records and Information Systems***, Standards 2.1, 2.2, 11.1, and 19.1 (1978); National Advisory Commission on Criminal Justice Standards and Goals, ***Police***, Standard 9.5 (1973).

[59]See *42 U.S.C. sec. 3701 et. seq.; 28 C.F.R. sec. 20.21(b) and (d)*, as revised, 1976.

[60]See *18 U.S.C. s. 5038(a)(1)-(6)*.

maintains a fingerprint record repository as part of its National Crime Information Center, will not accept fingerprint records of a minor unless the juvenile has been charged and convicted as an adult. In addition, Federal regulations prohibit the bureau's criminal history records file, which contains data on persons convicted of criminal offenses, from including information on offenses committed by minors unless they are tried as adults.[61]

Recently, however, some criminal and juvenile justice professionals have begun to criticize the policies behind the confidentiality of juvenile justice information, particularly for juveniles who commit serious or violent offenses. Many practitioners maintain that current national laws and policies prevent agencies from appropriately serving minors because the regulations limit the disclosure of information that agencies need to make informed decisions about a minor. Such professionals also assert that the policy of protecting a minor's juvenile record of serious criminal offenses prevents authorities from identifying and punishing such offenders, which in turn threatens public safety.

In 1981, the U.S. Attorney General's Task Force on Violent Crime was created to study ways to combat violent crime in the United States. The task force, which was co-chaired by Illinois Governor James R. Thompson, recommended that the attorney general seek resources for the FBI to begin accepting fingerprints and other information on juveniles convicted or adjudicated delinquent for serious crimes in state and Federal courts. The task force suggested that the Federal Juvenile Justice and Delinquency Prevention Act be changed to provide for fingerprinting and photographing of all juveniles convicted of serious crimes in Federal court. The task force also criticized current legal limits on the use of juvenile records in adult courts because the restrictions limit the courts' knowledge of a defendant's offense history. Such restrictions, it was urged, hinder the courts' ability to provide appropriate sentences or to set bail for adults with lengthy juvenile records. The group criticized the FBI's policy of refusing to accept juvenile fingerprints and photographs, characterizing it as "a policy that poses an obstacle to effective apprehension and prosecution of many of these individuals." Finally, the task force recommended that Federal and state laws be amended to require the FBI to accept such records because "(t)he cost savings to the criminal justice system of having access to criminal history information of juvenile offenders . . . could be enormous."[62]

In 1984, the National Council of Juvenile and Family Court Judges issued a report that called on the states to reassess their juvenile laws, jurisdictional procedures, and practices governing the control and treatment of serious juvenile offenders. The council's report also addressed juvenile justice information issues and made several recommendations.

First, the council stated that fact-finding hearings involving juveniles charged with criminal law violations and hearings for transfers to adult courts should be open to the public, although dispositional hearings should be closed. The council noted that when a child is charged with a serious crime, the victims and the police have a right to know how the juvenile court manages the trial. In other words, public safety should override the reasons for confidentiality.

Second, the council recommended that the juvenile courts provide a law enforcement agency with the legal charge and disposition information on juvenile cases referred by the agency for criminal law violations. "Law enforcement agencies should have such information so they can maintain accurate records in cases where the individual becomes involved in subsequent criminal law violations, either as a juvenile or an adult," the council said.

---

[61] See: *28 C.F.R. sec. 20.32*; Office of Technology Assessment, Congressional Board of the 97th Congress, *An Assessment of Alternatives for a National Computerized Criminal History System*, 1982.

[62] See *U.S. Attorney General's Task Force on Violent Crime*, Recommendation 58, 1981.

Third, the council suggested that once a person has been convicted of a crime in adult criminal court, the legal record of any findings of delinquency for violations of criminal laws should be available to the court. Finally, the council recommended a study to review the practice of sealing and expunging juvenile records. This study would determine the impact of sealing and expungement on juvenile and criminal justice.[63]

Like other groups, the American Bar Association is also reconsidering its stance on confidentiality of juvenile justice information. In 1978, the ABA recommended that the states pass laws to restrict the availability of juvenile justice information. Now, the association is reexamining the policies behind its initial recommendations, particularly how they affect the criminal justice system. The ABA's Juvenile Justice Standards Implementation Project is studying nine issues:

1. Is information being shared between the juvenile justice system and the adult criminal system?

2. What kind of information is, or can be, shared with the criminal courts?

3. Can information be shared across jurisdictional boundaries?

4. Where juvenile records are not shared with the adult courts, is it because statutes prohibit the exchange or because administrative barriers exist that hinder it?

5. Do law enforcement personnel have access to information that will permit proper criminal investigations?

6. To whom should information about a juvenile record be disseminated?

7. Is the information that is collected and retained accurate?

8. Should juvenile records be sealed or destroyed after a certain length of time has passed?

9. Are programs that computerize records designed to address the practical concerns of those parties who will need to use those records?

The ABA's project summary noted:

> The different treatment of juvenile court records reflects the philosophy of the juvenile justice system as originally constituted . . . . The treatment-oriented philosophy, . . . however, has been significantly eroded in recent years. Just as the ability of the juvenile courts to deal effectively with young criminals has been called into question, so too has the justification for treating juvenile records in such a protective fashion. The current concerns are not how to assure confidentiality of the juvenile court records, but rather how to assure that all the relevant law enforcement needs for the records can best be met.[64]

Studies conducted by private research organizations and scholars support, in part, the current movement for disclosure of juvenile justice information. Many of these studies indicate that a handful of repeat juvenile offenders are indeed responsible for a large

[63] See "The Juvenile Court and Serious Offenders: 38 Recommendations," National Council of Juvenile and Family Court Judges, Office of Planning and Development, *Juvenile and Family Court Journal*, 1984.

[64] See American Bar Association, *Criminal Justice*, Vol. 12, No. 1, 1984.

percentage of crime, including a disproportionately large percentage of serious and violent juvenile crime. The studies also show that many of these chronic juvenile offenders are not held culpable for their actions as juveniles.[65]

Information specialists rely on such studies to assert that records of repeat or violent juvenile offenders should be more accessible to criminal justice professionals. They note that minors who commit criminal offenses often are handled informally by the police and the courts. And since complete records rarely are available about these informal dispositions. other juvenile justice agencies cannot determine whether or not a minor has had prior contacts with the system. Criminal justice practitioners have expressed concern that the lack of such information results in a minor being handled repeatedly as a *first-offender*, when in fact the minor has a lengthy history of delinquent acts. Even where records exist about formal adjudications and dispositions, the confidentiality constraints on such information make it difficult to access and disseminate.

Experts also argue that adequate information about minors who are referred by law enforcement agencies or the courts to social service agencies is not available when needed. If a child is abused, neglected, or dependent and is referred for treatment or counseling, the overriding policy is to protect the confidentiality of the treatment process. However, law enforcement and court service agencies are often charged with monitoring the minor's progress and are encouraged to establish networks with the social service agencies involved. Yet, criminal and juvenile justice professionals contend that restrictive policies bar them not only from obtaining information from social services, but also from releasing their information back to the social services organizations. As a result, many practitioners maintain that current policies and laws prevent professionals with a legitimate *need to know* from effectively exchanging information about juveniles.[66]

Other States' Policies

Many states passed laws in the 1970s to ensure the confidentiality of information maintained by juvenile and criminal justice agencies. Approximately 26 states expressly require the separation of adult and juvenile records. In 10 other states, the laws *imply* that juvenile records may not be included in adult criminal files (these laws permit the collection of records of "criminal offenses" only). Since most state juvenile codes hold that a juvenile adjudication is not a criminal conviction, juvenile records presumably must be excluded from adult criminal history files.

For the most part, state laws are uniform about the sealing or expungement of court and law enforcement records for juveniles. More than half the states provide for the sealing or expungement of such records. Most states also prohibit the placement of juvenile fingerprint

---

[65]See: Paul A. Strasburg, "Recent National Trends in Serious Juvenile Crime," ***Violent Juvenile Offenders***, Robert A. Mathias (ed.), National Council on Crime and Delinquency, 1984; Frank Zimring, "American Youth Violence: Issues and Trends," ***1 Crime and Justice Annual Review of Research***, 67, 1979; Zimring, "Kids, Groups and Crime: Some Implications of a Well-Known Secret," ***72 Journal of Criminal Law and Criminology***, 3, 1981; Marvin Wolfgang, Robert Figlio, and Thorsten Sellin, ***Delinquency in a Birth Cohort***, University of Chicago Press, 1972; Wolfgang, "From Boy to Man--From Delinquency to Crime," ***The Serious Juvenile Offender***, Joe Hudson and Pat Mack (ed.), Proceedings of Symposium, Washington, D.C., Office of Juvenile Justice and Delinquency Prevention, 1977; Joan Petersilia and Marvin Lavin, ***Targeting Career Criminals: A Developing Criminal Justice Strategy***, Santa Monica, Calif., The Rand Corporation, 1978; Donna M. Hamparian, Richard Schuster, Simon Dinitz, and John P. Conrad, ***The Violent Few***, Lexington Books, 1978; President's Task Force on Violent Crime, ***Final Report***, Washington, D.C., Government Printing Office, 1982.

[66]See Robert Heck and Wolfgang Pindur, ***The Utilization of Discretionary Justice in Juvenile Cases***, Informal Commentary No. 12.

and photograph records in a central criminal history repository without a court order. State laws frequently bar juvenile fingerprints and photographs from being sent to the FBI as well, unless the minor is tried as an adult.[67]

Recently, however, some states have amended their laws and policies on juvenile justice information to allow increased collection and dissemination of such information. A few states have even created central juvenile record repositories to which juvenile justice agencies have access. While the population and juvenile justice information needs of each of these states differ, their policy changes may provide some guidance for officials in Illinois.

New York

The juvenile justice system in New York State serves three types of minors: persons in need of supervision (PINS), juvenile delinquents (JDs), and juvenile offenders (JOs). A PINS is a child who is truant, incorrigible, ungovernable, or habitually disobedient and beyond the control of a parent or other lawful authority. A JD is anyone between the ages of 7 and 16 who commits an act that would be a crime if committed by an adult, but who is not criminally responsible for the conduct because of "infancy;" JD cases are heard by the family court. A JO is 13-, 14-, or 15-year-old who, by law, must be charged with certain serious felonies he or she commits; generally, JOs are processed by the adult criminal courts, although their cases may be removed to the family court where they are handled as JDs.

The state's Division of Criminal Justice Services (DCJS) maintains a data system with information on JOs and JDs. By law, any minor older than 12 who is taken into custody or arrested for any felony, plus any 11- or 12-year-old accused of a Class A or B felony, must be fingerprinted and photographed. Those records must then be forwarded promptly to the DCJS in Albany. If a minor is charged as a JO, but the case is removed to the family court and the child is found delinquent, the family court must notify the DCJS of the adjudication and disposition. However, if the case involves an 11- or 12-year-old, the information must be sent to the DCJS only if the adjudication was based on a Class A or B felony. If a JO case is removed to the family court but no adjudication results, the court must order the DCJS to destroy all fingerprints, palmprints, photographs, and other information relating to the case. Similarly, all police departments with copies of the records must destroy them.

If a law enforcement agency arrests a JD but does not refer the case to the probation department or the family court, the agency must notify the DCJS. Then, the DCJS and any law enforcement agency with copies of the JD's fingerprints, photographs, or other records must destroy the information. If a child is fingerprinted and subsequently adjudicated delinquent for a felony and is later convicted of any crime as an adult, all fingerprints and related information from his juvenile record that have not been destroyed become part of the DCJS's permanent criminal record for that person. If a JO or JD is adjudicated, reaches the age of 21, or is discharged from juvenile placement for at least three years and has no pending criminal cases or later criminal convictions, all information in the possession of the DCJS, any police department, or other criminal justice agency must be destroyed.[68]

By law, family courts in New York must report all final dispositions to the DCJS if the original allegation is one that requires fingerprinting under the Family Court Act or if a juvenile offender case is removed to the family court with at least one charge that would be a felony if committed by an adult. The DCJS, in turn, will send juvenile information to law enforcement agencies upon request. This includes current arrest information, prior juvenile history record information that has not been expunged, juvenile delinquency adjudication information, and

[67] See: SEARCH Group, Inc., "State Law and the Confidentiality of Juvenile Records," *Security and Privacy Issue Brief*, No. 5, 1982; Arthur D. Little, Inc., *Confidentiality of Juvenile Offense Histories: A Statutory Review*, 1983.

[68] See *New York Family Court Act, par. 354.1 to 354.2.*

prior juvenile offender arrest and disposition information that has not been sealed. Juvenile arrest fingerprints received and processed by the DCJS will be included in the fingerprint system. When juvenile arrest fingerprints are destroyed, they are also removed from the latent fingerprint file.

New Jersey

In 1983, New Jersey substantially revised its juvenile code, including the provisions governing juvenile information. Now, all social, medical, psychological, legal, and other records maintained by courts and law enforcement agencies about juveniles *charged* as delinquents must be "strictly safeguarded from public inspection." However, such records must be disclosed to courts, probation departments, prosecutors, the child's parents and attorney, the agency providing care and custody of the child, any institution to which the child is committed, and researchers (with a court order). In addition, juvenile justice information kept by law enforcement agencies may be disclosed for law enforcement purposes to any other police agency in the state. Adjudication and disposition information must be disclosed to victims or their immediate families, the law enforcement agency that investigated the case, the complainant, and the police agency in the city where the juvenile lives.

The new law also departs drastically from the practice of keeping juvenile court proceedings confidential and closed to the public. In New Jersey, all information about the identity of an adjudicated delinquent, the offense, the adjudication, and the disposition *must* be disclosed to the public. If a juvenile is adjudicated delinquent for certain crimes, that information is also public. However, the minor may ask the court to bar disclosure of such information. The Senate Judiciary Committee that considered these revisions noted: "The law regulating disclosures of information pertaining to juvenile offenders must recognize two major considerations: the public's right to be informed and the rehabilitation of the juvenile. It is the balancing of these interests which form the basis of this bill."[69]

Also in 1983, the New Jersey Legislature authorized the State Police to create a centralized juvenile criminal history file. The new law provides that nothing in the code "shall prohibit the establishment and maintaining of a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State or local law enforcement agencies." The law also expressly describes the circumstances under which a minor may be fingerprinted or photographed. First, if a police officer discovers latent fingerprints during a criminal investigation and believes they belong to a juvenile, the officer may fingerprint the child with the consent of the court or of the juvenile and his parent or guardian. The records may be kept by the police until the investigation is completed but must be destroyed when the investigation is over.

Second, if a juvenile is detained in or committed to an institution, he or she may be fingerprinted for identification purposes. The records must be destroyed when the purpose for which they were taken has been fulfilled. If, however, the juvenile is detained or committed as an adjudicated delinquent, the institution may keep the fingerprints indefinitely.

Third, if a juvenile age 14 or older is *charged* with delinquency for a criminal offense, law enforcement agencies may fingerprint the minor and retain the record for criminal identification purposes. While no minor younger than 14 may be photographed by a police agency without parental permission, minors 14 and older may be photographed for criminal identification purposes.

The new law also contains provisions governing the sealing or non-disclosure of juvenile records. Generally, records may be sealed two years after the minor is discharged from legal custody or supervision, if he or she has no pending cases or subsequent adjudications

[69]See *N.J. Rev. Stat. par. 2A:4A-60 to par. 2A:4A-62.*

or convictions. However, prosecutors, institutions, parole or probation organizations, and law enforcement agencies may object to the sealing of those records. If the minor is adjudicated delinquent or convicted after the sealing, the sealing order is automatically nullified.

New Jersey, like Illinois, has a specific law governing the expungement or destruction of adult and juvenile records. Adjudicated delinquents in New Jersey may have their records expunged under the following circumstances:

1. For state criminal offenses, records may be expunged if the person has no subsequent convictions, if he or she is not found to be a disorderly person twice, and if 10 years have passed since his or her adjudication, conviction, payment of a fine, completion of probation or parole, or release from prison; generally, records of serious felony offenses or drug offenses may never be expunged.

2. Disorderly conduct records may be expunged five years after the listed event; municipal ordinance violations may be expunged two years after the last event.

3. An adjudicated delinquent may have his or her entire record expunged five years after a final court order or release from custody or supervision, if he or she has no subsequent adjudications or convictions, if no outstanding cases are pending, and if he or she has never had adult criminal charges dismissed after completing a supervisory treatment or diversion program.

4. If a person is charged with delinquency and the proceedings are dismissed, the person may file an expungement petition, unless he or she has been found insane or unfit to stand trial.

The court may deny expungement petitions in certain circumstances. For example, when records involve two or more defendants and an expungement petition is granted for one of those persons, the petitioner's records can be retained in the agency's general files, but the person's name and other personal identification must be obliterated or deleted.

However, even after expungement (New Jersey statutes use this term, but the intent of the law is really sealing), records still may be disclosed to certain agencies. The Violent Crimes Compensation Board can examine records to investigate crimes, and the courts may open the records if the information is the subject of pending litigation or judicial proceedings. Records may be used in disposition hearings, bail hearings, or presentence reports. The Parole Board and the Department of Corrections also may access those records.

Utah

Utah's juvenile court has used an automated information system to collect information and process cases since January 1967. All four components of the state's juvenile justice system--law enforcement agencies, juvenile courts, detention centers, and youth correctional facilities--have access to the central information system, PROFILE II, which is administered by the courts.

Unlike New Jersey and New York, Utah does not permit the fingerprinting of juveniles taken into custody unless a judge orders that fingerprints be taken or the child is tried as an adult. Instead, the statewide index is based on the child's name and may be searched phonetically to identify prior records.

Juvenile justice information is captured at intake, and court orders and physical custody orders are tracked. Access to adult criminal history records maintained by the Utah Bureau of Criminal Identification, as well as to driver's license and motor vehicle information, also is

available. A special record can be attached to a youth's case record for research and other special needs.

PROFILE II provides judges with a complete juvenile *rap sheet*, along with information about the family and child welfare placement or correctional history. Probation officers have access to rap sheets and can inform members about supervision or probation conditions. The Division of Children, Youth, and Families also can access the system to determine court hearings, to review prior placements, and to use the "critical message file" to advise the court of significant events in the handling of a case. Law enforcement agencies can inquire about any messages left in the system by the court, probation department, or youth correctional facility. Items in the critical message file generally include dangerous individual warnings, pickup order or bench warrant status, escapee or absconder status, and special probation conditions.

Juvenile record information may not be disseminated externally without a court order or a release from the juvenile and his or her parent or guardian. However, no waiver or order is needed if a request comes from an official who is:

1. Investigating a case that may result in a petition or information being filed.

2. Acting as counsel for the person of record.

3. An appointed guardian or custodian or is serving as a placement resource or supervisor by court order.

4. Performing a service requested by the courts.

5. Attempting to execute an order for detention or bench warrant or attempting to serve process.

6. Investigating a case where personal, property, or financial loss has occurred.

Utah law also provides for the destruction of juvenile records within certain limits. Juvenile records are microfilmed when the minor reaches age 19 and court jurisdiction has ended; the case record is then destroyed. All non-judicial records on individuals who are at least 21 years old may be destroyed. All files of persons age 18 or older who are not under the court's jurisdiction must be moved into a separate over-18 file maintained in each judicial district. A minor who has completed any conditions imposed by the juvenile court also can petition to have his or her records expunged. As long as the person does not have any pending cases and has not been convicted of a felony or a misdemeanor involving moral turpitude in the interim, the court must grant the petition.

Kansas

Kansas has two separate laws for children who come into contact with the juvenile justice system. One code covers abused and neglected children, as well as children who need supervision. The other law, the Kansas Juvenile Offenders Code, covers juvenile delinquents.

Under the Juvenile Offenders Code, all law enforcement and juvenile court records about offenses committed, or alleged to have been committed, by a minor under age 16 must be maintained separately from adult criminal records. However, juvenile records may be disclosed to certain groups that need the information to carry out their official duties (these groups include the courts, court personnel, parties and their attorneys, any agency to which the juvenile is referred or committed, and law enforcement agencies or prosecutors). In addition, records may be disclosed to the central juvenile repository for use as part of the state's Juvenile Offender Information System. Juvenile offender records maintained by social

service or medical agencies are protected and may be disclosed only to interested parties or by court order.

Generally, minors taken into custody in Kansas may not be fingerprinted without a court order. However, if a juvenile is taken into custody for an offense that would be a felony if committed by an adult, he or she must be fingerprinted and may be photographed. These records then must be sent to the state's Juvenile Offender Information System.

The Juvenile Offender Information System, which is administered by the Kansas Bureau of Investigation, contains data about juveniles alleged or adjudicated to be juvenile offenders. Certain agencies are mandated to report events involving a minor to the system; these include prosecutors, law enforcement agencies, courts, administrative agencies, state youth centers, and juvenile detention facilities. Events that must be reported to the system include:

1. Issuance a warrant to take a juvenile into custody.

2. Taking of a juvenile into custody if the minor is alleged to be a juvenile offender.

3. Release of an alleged juvenile offender if no complaint is filed.

4. Dismissal of a complaint.

5. Any adjudication of a juvenile offender.

6. Court disposition for a juvenile offender.

7. Commitment or placement in a youth residential facility.

8. Release or discharge from commitment or the jurisdiction of the court.

9. Escape from commitment or placement.

10. Entry of a judgment of an appellate court that reverses an adjudication or disposition.

11. An order authorizing the prosecution of a minor as an adult.

12. Any other event arising out of, or occurring during, juvenile court proceedings.

For the agencies listed above, reporting to the system is mandatory. Both felony and misdemeanor offenses must be reported, although violations of city or county ordinances generally do not have to be sent. Law enforcement agencies that willfully fail to report appropriate information are liable for civil fines. Data in the Juvenile Offender Information System may be disclosed to reporting agencies, but not to the public.

Summary

As our review of juvenile justice statutes in New York, New Jersey, Utah, and Kansas indicates, individual states are beginning to respond to public concern for improved safety, balanced against the protection of the juvenile offender. These four states have adjusted their juvenile statutes to promote the availability of information on juvenile offenders where a genuine *need to know* exists. At the same time, they have attempted to ensure that juvenile justice and other agencies have access to the information they need to make appropriate decisions in juvenile offense matters.

Identified Information Problems and Alternatives for Consideration

This section of the report examines those policy issues and problems that were uncovered during the Authority's study. Each component of the criminal justice system identified different information policy problems, and each recommended various solutions. This section presents: each identified problem; the analysis of each problem; and the specific policy alternatives, identified by the Authority, that could resolve the problems. Each alternative policy, entitled *Alternative Policy for Consideration*, is for the reader's review and consideration; these alternatives do not represent the Authority's final recommendations. However, any final recommendations the Authority does develop will be based on the issues presented in this report.

Law Enforcement and Prosecution Issues

Current juvenile justice information policies seem to affect law enforcement and prosecutorial agencies more than any other organizations in the juvenile justice network. When the Authority sent out invitations to its public hearings, the response from law enforcement agencies was impressive. The issues they raised covered a wide range of topics and problems, which are discussed below.

1. Station Adjustments

The Problem

When a minor is taken into custody for a suspected delinquent act, police officers often informally dispose of the charges by a technique known as a *station adjustment*. Under a station adjustment, a child may be returned to his or her parents or referred to another agency for counseling as an alternative to being petitioned to the juvenile court. In 1985, the General Assembly formally recognized station adjustments, which had been common practice for many years, and incorporated guidelines for using them into the Juvenile Court Act.

Under the new law, a station adjustment is defined as the informal handling of an alleged offender by a juvenile law enforcement officer. If a minor is taken into custody and is not released, the parents or guardians must be notified and the minor must be taken to the nearest juvenile police officer without delay. The new law authorizes the juvenile officer to take any of the following actions:

- Issue a station adjustment releasing the minor.
- Issue a station adjustment releasing the minor to a parent.
- Issue a station adjustment releasing the minor to a parent, and referring the case to a community service organization.
- Issue a station adjustment releasing the minor to a parent, and referring the case to community services with informal monitoring by the juvenile officer.

- Issue a station adjustment releasing the minor to a third person agreed to by the minor and his or her parents.

- Issue a station adjustment releasing the minor to a third person upon agreement of the minor and parents, and referring the case to community services.

- Issue a station adjustment releasing the minor to a third person upon agreement of the minor and parents, and referring the case to community services with informal monitoring by the juvenile officer.

- Release the minor to his or her parents, and referring the case to a county juvenile probation officer or other designated public official.

- Deliver the minor to the court or to a court-designated reception center, if the juvenile officer reasonably believes that there is an urgent and immediate need to keep the minor in custody.

- Condition the minor's release on his or her agreement to perform community service where the minor lives or where the offense was committed, if the minor and a parent or guardian consent in writing.

- Take any other appropriate action with the consent of the minor or a parent.

The law also directs police juvenile officers to consider certain factors when releasing a minor or keeping the minor in custody. These include:

- The nature of the allegations against the minor.

- The minor's history and present situation.

- The history of the minor's family and the family's present situation.

- The minor's educational and employment status.

- The availability of special resources or community services to help or counsel the minor.

- The minor's past involvement with and progress in social programs.

- The attitude of the complainant and community toward the minor.

- The current attitude of the minor and his or her family.

Thus, State law provides juvenile officers with a great deal of discretion in handling cases involving allegedly delinquent minors. For the first time, juvenile officers have been directed to obtain and consider background information about minors and their families before the officers informally adjust cases.

The General Assembly also recognized that probation and court services officers often informally dispose of delinquency cases as well. Those officials may formulate written, non-judicial adjustment plans after an initial conference with the minor and other interested parties. When the probation officer prepares the adjustment plan, he or she must consider the same factors that a police juvenile officer considers when making a station adjustment, including background information about the child's previous referrals to community service agencies.

Many juvenile justice practitioners who appeared at the Authority's public hearings commented on these new laws and the directives imposed on law enforcement officials to consider a minor's background when informally adjusting a delinquency case. While these practitioners generally appreciated the legislative recognition of such practices and the inclusion of specific guidelines, they also noted that they often have difficulty obtaining information about the minor's background because other laws limit the disclosure of such information. For example, although the new law requires officials to consider a minor's background in social services and to monitor the minor's progress after a referral, social service records are highly protected by State law and may be disclosed to police and court officials only after a great deal of paperwork and court intervention. The new law, they noted, does not provide juvenile officials with the authority to obtain needed information from community service agencies.

Many juvenile practitioners also suggested that social service agencies should be permitted access to law enforcement or juvenile court records without a court order. They stated that the exchange of information among agencies providing services to the same youth should not depend upon court intervention or a court order, since the intent of the law is to allow these agencies to serve as an alternative to the court system.

In many cases, the minor and his or her parents may sign a waiver authorizing the release of social service records to court officials. However, State law does not authorize the minor and the parents to sign a written waiver authorizing the disclosure of *law enforcement records*. As some officials noted, some minors do not tell them about prior contacts with social service agencies, or the minors refuse to sign a waiver. In those cases, officers stated that obtaining a court order and serving it on the social service agency can consume a great deal of time and can delay their ability to make a speedy informal adjustment. Many witnesses felt that juvenile law enforcement officers should have a mechanism to obtain a minor's prior record from all agencies that have treated or referred a child, without having to get a court order.

As one testifier noted, when law enforcement officers make informal adjustments, they act as both judge and jury. However, considering this wide discretion, the law does not permit officers to obtain all information needed to make informed decisions. Yet, all decisions short of a formal adjudication are demanded from those officers. If a minor denies prior contacts with the juvenile justice network, the officials have no immediate means to check the assertion. The availability of accurate records on previous station adjustments, fines, referrals to social services, and recurring contacts with the system are necessary for making accurate decisions. According to one witness, the situation could be compared to a judge making a decision without having the complete facts of the case. The witnesses were almost unanimous in recommending that the General Assembly expressly authorize the access and exchange by authorized public officials of social service, court, and law enforcement records without court intervention. This information should be accessible in order to protect the best interest of the child.

Alternative Policy for Consideration

Juvenile law enforcement officers, court services officials, and social service agencies that provide treatment for the same minor should be authorized to access and exchange information about the minor's progress in treatment programs. When juvenile officers make station adjustments in delinquency cases, they should be authorized to obtain from the agencies to which they refer minors all information necessary for monitoring the children, without the necessity of obtaining court orders. Also, minors and their parents or guardians should be able to sign written waivers authorizing the exchange of law enforcement, court, and social service records in situations where officials are attempting to make an informal adjustment. While clinical records, psychiatric and psychological reports, and other highly confidential treatment records should not be readily accessible, juvenile practitioners treating

the same child should be able to obtain the minor's name and address, the name of the agency to which the child was referred, and any information about the minor's progress during treatment, particularly if the child is referred to another treatment agency.

2. Felony Limitation

The Problem

State law controls the dissemination of juvenile records maintained by law enforcement agencies. Information about a minor arrested or taken into custody before his or her 17th birthday may be "inspected" or "copied" only by certain persons, primarily criminal justice personnel. The "felony limitation" refers to a clause in the Juvenile Court Act that strictly regulates the exchange of juvenile information among law enforcement agencies. Under this regulation, juvenile records may be exchanged by local, State, or Federal law enforcement officers or agencies only when the information is needed to carry out their official duties during the investigation or prosecution of a crime that would be a *felony* if committed by an adult.[70]

This provision appears to conflict with other parts of the law. For example, juvenile court records--which often contain highly confidential information on the child and his or her family, along with psychiatric, psychological, or medical reports--may be inspected and copied by law enforcement officers and agencies when the information is essential to executing an arrest, a search warrant, or other compulsory process, or "to conducting an ongoing investigation," not just a felony investigation. Thus, law enforcement officials are barred from exchanging local law enforcement information about a juvenile unless they are investigating a felony, but they may gain access to court records during any type of investigation.[71]

By law, juvenile officers have authority to make station adjustments in cases of minors taken into custody for suspected delinquent offenses. Before making a station adjustment, a juvenile officer is legally required to consider certain factors, including the minor's history and that of his or her family. However, if the police have a minor in custody from another city or county who is suspected of committing a misdemeanor, not a felony, the felony limitation could be interpreted as barring the police from inspecting or copying records about that child in the other cities. Thus, the felony limitation could prevent police juvenile officers from obtaining adequate information about the child's history--information that by law must be considered before any station adjustment decision can be made. If the officer cannot obtain information indicating that the child has no prior offense history, the officer may be reluctant to make a station adjustment and release the child. Conversely, if the officer assumes the minor has no prior history, when in fact he or she has a long history of previous custodies and station adjustments, the officer may discharge a child who should be brought before the juvenile court.[72]

In addition, the felony limitation restricts only the inspection and copying of law enforcement records on an interagency basis. This restriction causes confusion about whether or not such information may be exchanged by telephone or some other non-written method of communication. Moreover, the limitation restricts only law enforcement authorities; other officials, particularly authorized military personnel, can inspect and copy all juvenile law enforcement and court records. Prosecutors, probation officers, social workers, or other individuals assigned by the court to conduct a preadjudication or predisposition investigation also may inspect law enforcement records about juveniles. In addition, persons who supervise juveniles or who provide them with temporary or permanent care and custody can

[70] See *Ill. Rev. Stat. Ch. 37, par. 702-8.*

[71] See *Ill. Rev. Stat. Ch. 37, par. 702-9.*

[72] See *Ill. Rev. Stat. Ch. 37, par. 703-2.*

examine law enforcement records "when essential to performing their responsibilities." None of those officials is restricted by the felony limitation.

Many witnesses at the public hearings pointed out that juvenile officers are specialists with extensive experience in dealing with minors and are sensitive to the needs of children. Therefore, these officers should be able to exchange juvenile justice information with other agencies, even if they are not investigating a felony. Witnesses also noted that State law limits only the inspection and copying of juvenile records on an interagency basis, and is silent on whether or not non-felony information may be exchanged by telephone or other oral means. Juvenile officers and police chiefs cited several reasons for recommending that interagency copying and inspection of juvenile felony *and misdemeanor* records be authorized.

First, the officers noted that they often take into custody children who are from outside their jurisdictions. In many areas, juveniles live outside a municipality but attend school or frequent areas within the city limits. A juvenile may become involved in many different misdemeanor offenses both inside and outside the jurisdiction. Knowledge of the offenses occurring outside the city limits could help the juvenile officer decide how best to help the minor. Many witnesses also said that, although some juveniles commit many felonies, young people are more likely to commit many misdemeanors instead. Children in urban areas can easily ride public transportation and may travel from town to town committing different misdemeanor offenses. The felony limitation means that juvenile officers may be unable to obtain information about a child's background in other cities and counties. As a result, an officer may issue a station adjustment in a juvenile case, when the child should instead be referred to the juvenile court because he or she has a long history of previous offenses and station adjustments.

Second, the felony limitation means that society can be victimized by a youth's continued criminal activity, which may have been curbed by the courts or a social agency at an earlier stage had adequate information been available. A minor who is not penalized or treated early in his or her delinquency career may go on to commit more serious crimes, because the minor has not learned that he or she will be held responsible for delinquent actions. Most witnesses agreed that the felony limitation ultimately permits a juvenile to go from jurisdiction to jurisdiction and *start fresh* without any sort of criminal history. This, in turn, may endanger public safety. In addition, youths who are taken into custody may elude outstanding arrest warrants from another jurisdiction unless the juvenile officer individually calls several other police departments. Law enforcement practitioners and prosecutors almost unanimously recommended that State law be changed to permit law enforcement agencies to exchange juvenile justice information in both felony and misdemeanor investigations and prosecutions.

Alternative Policy for Consideration

The felony limitation on the inspection and copying of juvenile records maintained by law enforcement agencies should be amended. Law enforcement agencies that keep records on minors who have been arrested or taken into custody before their 17th birthdays should be able to access such records on an interagency basis when necessary for discharging their official duties during the investigation or prosecution of any offense that would be a felony or a misdemeanor if committed by an adult.

3. Juvenile Offender Mobility

The Problem

Many law enforcement practitioners, particularly juvenile officers, contended that juvenile offenders have become increasingly mobile. Officials said some juveniles can easily travel from city to city on public transportation or in stolen cars to commit offenses. In some parts

of Illinois, minors may travel across state lines to commit crimes, which causes more information to be lost and increases the concern over juvenile offender mobility.

Many witnesses were not as concerned with youths who require authoritative intervention and referral to crisis intervention services as they were with serious juvenile offenders, whose mobility endangers public safety in different jurisdictions. The mobility of juvenile offenders and the legal restrictions on the exchange of information about those offenders represent a serious problem, particularly in northern Illinois and in the East St. Louis area, officials said. Communities that have large shopping centers, which attract youths, often arrest offenders from other cities. Youth gangs, other testifiers noted, also travel from city to city to initiate activities against other gangs.

Generally, however, the witnesses could not cite studies about the extent of juvenile offender mobility or the percentage of minors from other jurisdictions that they take into custody. To determine more precisely the extent of juvenile offender mobility and to measure the exact need for information policies that would help law enforcement agencies target those offenders, a complete study of juveniles arrested in cities other than their hometowns would have to be conducted. The Illinois Juvenile Officers' Association, in particular, offered to contact its members to urge them to cooperate and support such a research project.

Alternative Policy for Consideration

Whether extensive mobility by juvenile offenders is reality or myth should be determined by an in-depth analysis. Public safety may be endangered by serious juvenile offenders who travel from jurisdiction to jurisdiction committing crimes, but who are never held accountable because law enforcement agencies lack adequate information about prior offenses or adjudications. Any study of this sort should include representative law enforcement agencies throughout Illinois. Juvenile police records should be collected from those agencies, identifying information should be removed, and an analysis should be undertaken to measure how many minors from other cities or counties are arrested by each agency and the offenses for which they are apprehended. Another analysis should determine whether or not certain repeat offenders have been treated as first offenders because the arresting agency did not have information about the minor's offenses in other jurisdictions.

4. Identification Issues: Fingerprints

The Problem

The Department of State Police's Bureau of Identification (BOI) administers the Computerized Criminal History system, which contains records of all arrests and case dispositions for adult offenders in Illinois. To ensure that these records are matched with the correct persons, fingerprints are used to identify each record subject. Law enforcement professionals maintain that fingerprints represent the only way to positively identify anyone.

Currently, the BOI maintains all fingerprints on manual cards. But now the State is in the process of upgrading its fingerprint capabilities by installing an automated fingerprint identification system (AFIS). This system will create an improved database of fingerprints Statewide. For one thing, it will provide law enforcement agencies with better classification and search capabilities within the database. The system will allow law enforcement agencies to compare as few as two latent fingerprints (or those discovered at a crime scene) with all other prints in the database; this type of speedy analysis is impossible under the State's current manual setup.

The scheduled implementation of the AFIS program and the testimony of law enforcement officials make it clear that fingerprint comparison is the most accurate way to identify criminals. However, such techniques are severely limited under current juvenile law in Illinois.

For example, unless the juvenile is tried as an adult, no law enforcement agency in the State may send a minor's fingerprints or photograph to the Department of State Police, the Department of Corrections' adult division, or the Federal Bureau of Investigation without a court order.[73] There are several ways that this restriction affects the ability of law enforcement agencies to investigate crimes involving minors.

First, if a police department recovers latent fingerprints at a crime scene, has a minor's fingerprints on file, or takes fingerprints of a juvenile suspect, the department may not send those prints to the BOI for verification. Second, although State law authorizes the Department of State Police to maintain a Statewide central records system for adjudicated delinquent minors, the system apparently has never been implemented, in part because the BOI cannot receive a minor's fingerprints and, therefore, cannot verify the identity of any minor whose records might be sent to the repository.

Many juvenile justice professionals noted that fingerprints represent the only viable way to positively identify anyone who has been arrested or taken into custody. Therefore, the prohibition on sending juvenile fingerprints to the DSP negatively affects criminal investigations. For example, when police collect latent fingerprints from a crime scene and they suspect a minor was involved, they may call the minor in for questioning and fingerprinting. However, in order to verify whether or not the fingerprints from the crime scene match those of the suspected juvenile offender, the officers should be allowed to forward both sets of prints to the DSP's Bureau of Identification (BOI). Other witnesses suggested that after the BOI completes its analysis of the fingerprints, the records should be returned to the local agency that sent them. To ensure that the fingerprint records remain confidential, they should not be retained by the BOI.

Still other witnesses recommended that, if and when the DSP executes its legislative mandate to maintain a Statewide juvenile adjudication file, that file should include fingerprints. This again would ensure the accuracy of all records and the positive identification of persons to whom those records pertain. Other testifiers suggested that fingerprints of all minors taken into custody for certain serious offenses, particularly crimes against persons, should be sent to the DSP.

Alternative Policy for Consideration

The adult criminal justice system in Illinois has determined that a fingerprint-based information system provides law enforcement agencies with the best resource for identifying criminals and maintaining offense data. The juvenile justice system should consider implementing a fingerprint-based system as well. Such a system would allow law enforcement and court services agencies to positively identify juvenile offenders through fingerprint comparison, much the same way adult criminals are identified.

If a fingerprint-based information system is not adopted, a second possibility for improving the identification of juveniles would be to allow, on a case-by-case basis, for the comparison of latent fingerprints with those of suspected juvenile offenders. The agency conducting the comparison could house both the latent and suspect fingerprints. If the concern for confidentiality would prevent this type of central storage, then prints forwarded by a law enforcement agency could be returned to the agency after the comparison has been completed.

---

[73] See *Ill. Rev. Stat. Ch. 37, par. 702-8.*

5. Confusion about Disseminating Juvenile Information

The Problem

Many law enforcement professionals, especially juvenile police officers, noted that current policies and laws governing the management of juvenile justice information are confusing. Officials frequently cited the "felony limitation," discussed previously, as particularly puzzling. For example, the law is silent regarding verbal communication among officers of different police agencies when they are investigating a juvenile misdemeanor offense. The statute simply bars the "inspection or copying" of police juvenile records on an interagency basis, unless the police are investigating a juvenile felony offense. Many witnesses assumed that oral communication about misdemeanor offenses is permissible, since it is not expressly forbidden by State law. This confusion is further complicated by distinctions in such verbal communication. An officer either can read aloud a record to another officer, or the officer can discuss more informally the facts he or she knows about a particular juvenile. There is a substantial difference between these two types of communication, and the difference needs to be clarified.

Another source of confusion concerns the law that permits law enforcement officers to take a minor into "temporary custody" for truancy or incorrigibility and to refer the child to a treatment agency. Records of temporary custody are not records of an "arrest;" however, the term "arrest" is used repeatedly throughout the Juvenile Court Act.

Yet another common concern of witnesses who appeared at the public hearings was the lack of clarity in laws governing the purging of juvenile records. Presently, juvenile records maintained by law enforcement agencies need to be purged only if a court grants an expungement petition. The Department of State Police must destroy all of its records on a minor when he or she reaches the age of 19. However, local law enforcement agencies expressed confusion about how long they should keep juvenile records. Also, problems may arise when an expungement petition is granted in a crime involving multiple defendants. Several questions along these lines were asked:

- What should be done when two juveniles--or an adult and a juvenile--are arrested, and one is acquitted while the other is found guilty or adjudicated?
- If an expungement petition is granted, should all police and court records that mention the acquitted subject and the adjudicated subject on the same document be expunged?
- Should only the adjudicated subject's name be blacked out?
- What happens if a civil or criminal action is filed against the police officer and the records have been expunged?

Besides these specific questions on custody, arrest, and information policies for juveniles, many other questions concerning conflicts in existing juvenile law were raised by various witnesses. Many testifiers indicated it is extremely difficult for juvenile justice practitioners in Illinois to understand and comply with existing laws governing juvenile justice information and other juvenile justice policies. Witnesses frequently requested that a guidebook or training manual be developed that describes and explains current policies and procedures.

Alternative Policy for Consideration

As many witnesses indicated, the varied--and often confusing--laws in Illinois that govern juvenile justice information hinder their ability to make informed decisions about cases involving minors. The most logical way to assist these professionals is to prepare a guidebook or training manual that describes current policies and procedures in depth.

Concurrently, police training courses should be designed to educate professionals about their statutory duties regarding the management of juvenile record information.

6. Separate Storage of Automated Records

The Problem

Any police records about minors under the age of 17 must be maintained separately from any records of arrests, which presumably refer to records of adults arrested for criminal offenses. Records of minors taken into limited custody for status offenses also must be stored separately from arrest records. The same provision appears in a section of the Juvenile Court Act describing the power of juvenile officers to make informal dispositions of delinquency cases.[74]

If a police department has a manual records system, implementing the separate storage requirement presumably is not difficult: Placing separate filing cabinets in a designated area of the station should fulfill the requirement. However, if the department has an automated records system, which is becoming increasingly more common, the separate storage requirement can be confusing. Whether a separate computer, a separate database, or simply restricted access codes would meet the legal mandate has yet to be addressed. Also, current law may be confusing because it can be interpreted as requiring the separation of "limited custody" records from other juvenile custody records.

Many of the law enforcement officials who testified on this matter represented departments that use the Authority's Police Information Management System (PIMS). Each department in the PIMS network controls access to its own juvenile records. When a department joins the network, it decides whether or not to permit other PIMS agencies to access its juvenile records. Although juvenile records are stored in the same computer as adult records, the separate storage requirement is met by limiting access to authorized individuals, not by maintaining separate disk drives.

Despite the clear mandate of the Juvenile Court Act that the records be "separate," the statute offers no specific guidance about what "separate" means. However, other criminal justice information specialists have examined the issue. The American Bar Association (ABA), for example, has studied the specific topic of separating adult and juvenile records on computer systems.[75]

First, the ABA recognized that the separation requirement in the context of automation raises difficult questions. The association went on to recommend that different programs and access codes be used to ensure the confidentiality and proper use of juvenile data when both juvenile and adult records are maintained on the same computer database. Since maintaining juvenile records on a separate computer would be prohibitively expensive and would bring little added security to the confidentiality of juvenile records, maintaining the information on the same database, but using different access codes, was viewed as legally sufficient.

Alternative Policy for Consideration

The confusion about how to maintain computerized juvenile records separately from adult arrest records is largely unnecessary, because automated records systems meet that mandate by controlling access to the information. By using access codes, police departments may preserve confidentiality and logically separate juvenile records on the same database.

---

[74] See *Ill. Rev. Stat. Ch. 37, pars. 702-8, 703-1.1, and 703-2.*

[75] See Institute of Judicial Administration, American Bar Association, *Juvenile Justice Standards Relating to Juvenile Records and Information Systems*, p. 142.

This procedure has been followed not only by PIMS departments, but also by the Department of Children and Family Services.

7. Escape and Warrant Information

The Problem

Another issue raised by both law enforcement and prosecutorial officials was the lack of policy about placing outstanding juvenile warrants into the National Crime Information Center (NCIC), the FBI's telecommunications network. Currently, juvenile warrants are not entered into NCIC. However, the absence of a clear policy often breaks down communication among police departments and other criminal justice agencies. Since agencies cannot verify or confirm outstanding warrants, the appropriate processing of a minor may be obstructed. Delays in detention--or even illegal detention--may result. In addition to the potential abuse of a minor's rights, there is an equally strong probability that public protection may be compromised because complete information about a minor is not available to law enforcement agencies.

Some law enforcement officers testified that they cannot find out if a juvenile is wanted on an arrest warrant unless a youth officer calls the juvenile court during normal working hours. If a minor leaves a juvenile-detention center or shelter-care facility without permission from the court, a law enforcement officer who picks up the child on the street may be unable to verify where the child belongs. When a youth does run away from a facility, common practice is to discharge the child on paper after a specified number of days. The police department is then notified of a missing person. Unless police maintain contact with the child's caseworker or parents, they may never learn that the child has returned. Some officials suggested that a mechanism be created and policies be designed to help law enforcement agencies determine whether or not a child belongs in a particular facility or treatment program.

Alternative Policy for Consideration

The policy of not entering juvenile warrant information into NCIC is a problem that should be explored further by law enforcement and information specialists. The goal should be to improve the ability of officials to learn if a child is wanted or if the court has assigned the child to the custody of another agency. Any solution to the warrant and escape information problem has Statewide, and often nationwide, implications and would require the cooperation of court clerks to create a uniform and comprehensive information base. Therefore, it is recommended that further study examine the precise scope of the problem, particularly how many law enforcement agencies are negatively affected by current policies.

Court Services Issues

Juvenile justice information policies also affect court services agencies. Some of the specific issues confronting these groups are discussed below.

1. Information Delays

The Problem

When preparing diversion or predispositional reports, court services personnel need a variety of background information on juveniles, including data from many private and public organizations. Typically, these officials seek information from social service agencies, hospitals, psychiatrists, psychologists, and schools before preparing social histories for the court. Court services personnel who testified at the Authority's public hearings said they usually

had no problem obtaining information from public agencies with whom they had ongoing relationships. However, they did report problems, specifically delays, when seeking information from private organizations.

By law, the juvenile court may order a probation officer to hold a preliminary conference when anyone wants to file a petition in a juvenile case, unless the minor or state's attorney objects. After the conference, the probation officer may prepare a non-judicial adjustment plan, which may include the following:

- Up to 6 months informal supervision within the family.
- Up to 6 months informal supervision, with a probation officer involved.
- Up to 6 months informal supervision, with release to a person other than a parent.
- Referral to a special educational, counseling, or other rehabilitative program.
- Referral to a residential treatment program.
- Any other appropriate action, with the consent of the minor and a parent.

When formulating a non-judicial adjustment plan, a probation officer must consider the same factors that a juvenile police officer must analyze when making a station adjustment. Thus, the probation officer must review the minor's social history, his or her past involvement and progress in social programs, and the history of the minor's family, among other factors.

Once a child is adjudicated a ward of the court, a probation officer must prepare a social history for the court, before a dispositional hearing is held. In most cases, the minor and his or her parents will sign a waiver authorizing the release of social service or medical records. However, if the waiver is not signed or the previous treatment is not disclosed, the probation officer must obtain a court order. Many witnesses said that obtaining a court order and serving it upon another agency not only consumes a great deal of time, but also hinders the court's ability to dispose of the minor's case.

Court officials said they are able to obtain juvenile justice information from law enforcement agencies, state's attorneys, and the Department of Children and Family Services without much difficulty. However, if they want to get information from private social service agencies, hospitals, psychologists, psychiatrists, and schools, they often experience delays, even if they have a court order.

Alternative Policy for Consideration

An interdisciplinary task force with representatives from the juvenile courts and private social service and medical agencies should be created to resolve the problems surrounding the exchange of juvenile justice information among agencies, particularly between public and private organizations. According to the participants at the Authority's symposium, juvenile justice network agencies, both public and private, are very interested in working toward the common goal of quality decision making in the juvenile justice system. Often, the inability of one agency to obtain needed information from another agency, or the delay in the delivery of the information, is not caused by an absence of information or a lack of interest on the part of the agency to whom the request has been made. More often, problems arise because there is no clear policy on how such information can be transferred. A multi-agency task force would provide a forum for creating a coordinated information transfer policy, which in turn would improve the collaborative nature of the juvenile justice network.

2. Central Probation File

The Problem

Many witnesses also noted that there is no central probation history file for juveniles. Court services personnel often have a difficult time obtaining records of a juvenile's past probations or supervisions. If the court official has a case involving a minor who has been placed on probation in different jurisdictions by different juvenile courts, the official must search for the minor's *rap sheet* in all of those jurisdictions. This fragmentation again causes problems for court personnel who are trying to base their decisions on as much information as possible. Under current policy limitations, probation officers and other court personnel are never sure whether they have obtained a complete probation background on a particular juvenile.

Witnesses also said the lack of a standardized central probation file, containing all dispositions in every juvenile court or probation department, creates difficulties for court personnel and hinders their ability to make decisions in the best interest of the minor. Many court professionals said the concept of creating a mechanism for them to obtain a child's complete probation and supervision history should be explored further.

Alternative Policy for Consideration

Creating a comprehensive probation *rap sheet* should be examined further. A task force of probation and other justice professionals should be created, and it should analyze *probation rap sheet* issues and make recommendations to the court.

3. Identification Issues: Fingerprints

The Problem

Like their law enforcement counterparts, court services personnel also expressed concern about their inability to positively identify certain minors because of legal restrictions on the dissemination of juvenile fingerprints. Some witnesses suggested State law be changed to permit the Department of State Police, the Department of Corrections, and the Administrative Office of the Illinois Courts to collect a minor's fingerprints during felony and misdemeanor investigations. If a minor is adjudicated delinquent and placed on supervision, but violates the terms of that supervision, court officials could verify the minor's identity by contacting those State agencies or the local police department involved in the case. Several court officers stated that they have lost as many as 20 probation revocation cases in one month because they had no means to quickly identify certain juveniles who were already under the jurisdiction of the juvenile court.

Alternative Policy for Consideration

In the interest of public safety and to ensure that minors under the juvenile court's jurisdiction are monitored, court services officials feel that fingerprints of minors placed on supervision or probation should be maintained by local police departments, the courts, or a State agency. Since many minors are already under court supervision, further study is needed of a mechanism to compare the fingerprints of juveniles who violate supervision with the prints on file in either law enforcement or court services agencies. As discussed earlier, fingerprints are widely recognized as the best means of properly identifying an individual. Improved accuracy of identifying and checking the background of juveniles who violate supervision could enhance the quality of further court decisions--and enhance public safety. Any fingerprint system would have to be maintained and operated by an agency specializing in fingerprint identification and comparison, such as the Bureau of Identification of the Department of State Police.

4. Victim Restitution

The Problem

The Juvenile Court Act provides that persons who are victimized by juvenile offenders or their legal representatives may review court records in civil restitution cases. The victim and his or her legal representative may obtain the minor's name and address and the juvenile court's disposition of the case. Court services officials who testified raised two concerns about this policy.

First, they noted that they frequently receive requests for information from the victim's insurance company. They are unsure whether an insurance company qualifies as a "legal representative" and, therefore, whether they should release the information to the firm.

Second, the officials said the information may be disclosed to the victim only if the court formally adjudicates a child. However, in many cases, there is no formal court adjudication; rather, the court services officer prepares an informal adjustment plan. If the minor is not adjudicated, court officers must file a petition with the court and obtain an adjudication before they can legally disclose the information to the victim. The officials noted that this procedure contradicts the policies of diversion and treatment and of victim restitution.

Alternative Policy for Consideration

The Juvenile Court Act should be clarified to resolve whether or not a victim's insurance company may obtain adjudication information about a juvenile offender. Furthermore, the General Assembly should consider authorizing the victim and his or her legal representative to obtain the juvenile's name, address, and case disposition in cases where the court has not formally adjudicated the child, but has approved an informal disposition.

Social Service Agency Issues

The Problem

Like law enforcement officials, representatives of social service agencies expressed concern about current policies that limit the exchange among agencies of information about minors. State law does not authorize social service and law enforcement agencies to access each other's juvenile records, even if a minor and his or her parent sign a written waiver. Moreover, unless the juvenile court assigns a specific social service agency to supervise or provide temporary or permanent care for a minor, social service agencies are not allowed to copy or inspect law enforcement or juvenile court records. Many witnesses felt these policies restrict *networking*, particularly if police, court services personnel, and the social agency want to divert the child from the court system.

Alternative Policy for Consideration

Social service agencies should be allowed to obtain written waivers authorizing the disclosure of law enforcement records to them, even if they have not been assigned by the court to provide services to a minor. These agencies also should be able to inspect and copy juvenile court records for designated and limited purposes in the best interest of the child. Furthermore, to encourage the legislative mandate of networking among juvenile justice agencies, current laws should be revised to promote the exchange of juvenile information among agencies that come into contact with a child and divert a child without petitioning the child into court.

Juvenile Justice System Issues

Many of the information issues raised by juvenile justice professionals really affect the entire juvenile justice network in Illinois. Consequently, there are no simple answers to these issues, since they affect many different agencies throughout the State. These systemwide problems, and their complexities, constituted a substantial portion of the Authority's study. They are discussed in detail here.

1. Scattered Juvenile Information Laws

The Problem

Several witnesses noted that current laws and policies governing the management of juvenile justice information are scattered throughout Illinois' statutes. The laws are located in many different sections, especially those governing curfew violations, the Department of State Police's juvenile records, records generated by the Department of Children and Family Services or the Department of Mental Health and Developmental Disabilities, and juvenile justice information subject to the provisions of the Juvenile Court Act. As a result, juvenile justice professionals often have difficulty determining exactly which law governs a particular situation.

Alternative Policy for Consideration

As an interim solution, a manual containing all of the statutes, regulations, and policies governing juvenile justice information should be prepared, and a juvenile justice information training program for criminal justice personnel should be created. The most promising long-term solution would be to reconsider the scattered policies and then incorporate them into one omnibus Juvenile Justice Information Act.

2. Expungement vs. Sealing vs. Purging

The Problem

Experts throughout the juvenile justice system expressed concern about proper procedures for sealing, purging, or expunging juvenile justice records, especially in instances where the juvenile court has not granted an expungement petition. Some agencies follow the guidance of their Local Records Commissions, and others have drafted their own internal policies. Still others maintain juvenile records for extended periods of time. Since the current policies are so diverse and extend over different jurisdictions and agencies, many officials could not formulate specific recommendations on what the overall State policy should be in this area.

Most practitioners agreed that juvenile justice records should not be maintained indefinitely, but their opinions differed on whether the records should be expunged (destroyed), sealed (restricted access), or purged (removed from files and stored separately). While there was no consensus about when records should be expunged, sealed, or purged, there was consensus that a Statewide policy would help.

Law enforcement and court officials, as well as researchers, were concerned about the destruction of juvenile records. The law enforcement and court officials testified that, because criminal courts often consider juvenile records when an adult is sentenced after conviction, the courts should be able to obtain the offender's complete history, including his or her juvenile records. If those records are destroyed, the criminal courts may be unaware that an offender has a long history of delinquency. Researchers said the destruction of juvenile records inhibits them from conducting studies on serious and repeat offenders, both

juvenile and adult. They felt that confidentiality could be ensured by other means than destroying the records.

Alternative Policy for Consideration

The Authority has long held that adult criminal records should never be expunged, but should be sealed instead. This policy, while protecting the privacy of records, also ensures that information useful for aggregate research and other purposes is not destroyed. Many witnesses recommended development of a consistent Statewide policy that would delineate proper procedures for expunging, sealing, or purging juvenile records. However, an initial analysis of current procedures is needed before any Statewide recommendation can be formulated.

3. Absence of Tracking Capabilities

The Problem

Two information tracking issues were raised during the study: the inability of agencies to track a child when the minor comes into contact with or receives treatment from many different agencies, and the inability of researchers to study repeat offenders who progress from the juvenile justice network to the adult criminal system. Currently, a child may be referred to many different agencies for treatment or detention before he or she reaches age 17. Since each of those agencies maintains its own records and since many policies inhibit the exchange of juvenile record information, coordination on an interagency basis is lacking. When agencies are unaware of a child's prior contacts with the juvenile justice network, they often are forced to make uninformed decisions that are not in the best interest of the minor. Also, the lack of interagency information coordination interferes with the long-range planning efforts of the juvenile and criminal justice systems. Without coordination between the two systems, a juvenile may be treated as a first offender when he or she enters the criminal system. While some states, such as Maryland, have undertaken extensive studies of repeat offenders to track them from the juvenile to the adult system, current Illinois policies would prevent such a program.

The Authority's current study of adult repeat offenders, even at its early stages, clearly indicates that a small group of repeat offenders accounts for a substantial number of crimes in Illinois. Because it is important to ascertain whether this trend holds true for juveniles as well, the need for juvenile tracking capabilities arises. Such tracking would permit further study of repeat offenders in the State.

Alternative Policy for Consideration

In the last decade, many studies have shown that certain juvenile offenders continue their criminal patterns into adulthood. To better identify those repeat offenders, Illinois should consider revising its policies to permit criminal justice agencies and researchers to study *all* repeat offenders, including those with juvenile histories. Similarly, policies on the interagency tracking of minors should be explored further and revised to permit agencies to communicate with one another in the best interest of the children.

4. Comprehensive Juvenile Justice Information System

The Problem

Professionals who testified at the Authority's public hearings and those who attended the symposium agreed that a comprehensive juvenile justice information system would be desirable, both to link the various components of the juvenile justice network and to improve the delivery of services to children and their families. However, because of a variety of

demographic, geographic, and policy variations within the State, these juvenile justice practitioners also identified a host of important issues that must be examined when considering any Statewide juvenile justice information system.

The practitioners agreed that juvenile justice information should be managed differently from adult criminal history information for two basic reasons. First, the goal of the juvenile network, unlike that of the adult system, is to treat and rehabilitate, not to punish. And second, a minor's right to privacy and the confidentiality of his or her records are inherent in the juvenile network and should be protected. In other words, information about a child's juvenile history should be disclosed only when there is a legitimate need to know. Officials also noted that other states have implemented comprehensive juvenile justice information systems that successfully incorporate these policy considerations.

Alternative Policy for Consideration

An interdisciplinary committee, with representatives of the various components of the juvenile justice network, should be created to analyze several matters. These issues, which are listed below, must be fully resolved before any comprehensive juvenile justice information system can be considered.

Which Agency Should Administer the System?

The Department of State Police (DSP) currently has the authority to maintain a juvenile adjudication system, although it has never implemented that system. The department also has a long history of administering the State's Computerized Criminal History system, which contains records of adult offenders. Because the DSP has the technology, the personnel, and the experience to administer comprehensive information systems, many practitioners thought that the department would be the logical agency to maintain a juvenile system.

Others, however, felt the Administrative Office of the Illinois Courts (AOIC) would be the most appropriate State agency to design and to implement a juvenile information system. They noted that the juvenile courts, by law, control access to most kinds of juvenile justice information and are in the best position to be aware of a child's complete history within the system. The courts also determine the final disposition of most cases that are referred to them. For these reasons, a minority of the practitioners felt that the courts should maintain any comprehensive juvenile justice information system.

Still other professionals asserted that no juvenile information system should exist at all on a Statewide level. Rather, they recommended regional or county-based juvenile justice information systems. These professionals suggested that juvenile justice personnel in the southern part of Illinois may have no need to know information about a child who lives in northern Illinois, or *vice versa*. Moreover, they felt that regional or county systems would be easier to control and would better protect the confidentiality of juvenile records than a Statewide system. Nevertheless, most of those who favored a system felt that anything less than a Statewide operation would defeat its purpose.

What Legal Categories of Minors Should Have Records Entered into the System?

Generally, the practitioners recommended that certain categories of minors should *not* have their record information placed in a comprehensive information system that could be accessed by many different agencies. In particular, they felt that neglected or dependent minors, addicted minors, or minors requiring authoritative

intervention should have their records maintained by individual agencies only. Such children, who often are victims themselves or who require specialized treatment, are generally diverted from the criminal justice system; therefore, their records should not be maintained in any central location. However, some witnesses suggested at least some limited information should be included: the child's name and address, a referral notation, and the child's caseworker.

Still, law enforcement and prosecutorial officials were concerned that failing to include information on non-delinquent minors could hamper their ability to make informed decisions. They stated that a child may run away from home, disobey his or her parents, or not attend school because the child is abused or neglected. A minor requiring authoritative intervention who is referred to crisis intervention counseling may later commit delinquent acts as well. Therefore, some officials asserted that complete information on the minor's history, regardless of the legal label attached at a particular time, should be readily available in a comprehensive information system.

A consensus was reached that information on juvenile offenders and delinquent minors should be entered into a comprehensive information system. Most also felt that the most important data that should be included in any system is information on minors who commit criminal offenses, including habitual juvenile offenders or those who are subsequently tried as adults.

What Type of Offenses Should be Entered into a Comprehensive Juvenile Justice Information System?

Assuming that a comprehensive juvenile justice information system contained information on minors accused of or adjudicated for delinquency, then what types of offenses should be entered into the system? Most of the practitioners agreed that offenses now entered into the DSP's Computerized Criminal History system for adult offenders should be maintained for juvenile offenders as well. Therefore, most records of offenses that would be felonies or misdemeanors if committed by adults would be maintained in a juvenile system. However, other witnesses felt that information should be limited either to felony offenses or felony offenses involving crimes against persons. Others wanted to include traffic offenses that are processed by the juvenile courts and active warrants for juveniles. The issue of what types of offenses would be recorded in a comprehensive system is a critical one, and no clear consensus seems to exist among juvenile justice professionals in Illinois at this time.

At What Point During a Minor's Contact with the Juvenile Justice System Should a Record be Generated?

The consensus among juvenile justice practitioners was that information on juvenile offenders and delinquent minors should be maintained in a comprehensive juvenile justice information system. However, there was disagreement over whether information should be entered about less serious events: casual police contacts with minors, cases where minors are taken into custody by the police, cases referred to treatment agencies or to court services that are adjusted without a petition being filed in court, and cases that result in a formal adjudication by the juvenile court. Law enforcement officials, in particular, suggested that information on station adjustments in different departments should be included in a comprehensive system so that police juvenile officers in different jurisdictions would know that a minor had had numerous informal adjustments of potential delinquency cases. In the interest of public safety and to protect the juvenile offender from becoming an adult offender, they asserted that station adjustment information and information on

police arrests should be included, as long as access is controlled and accurate dispositions are recorded. They also recommended that records of informal adjustments by the police or courts be expunged, purged, or sealed after a certain length of time.

A few of the witnesses warned that maintaining juvenile contact or arrest records could stigmatize a child; therefore, they recommended that only records of court adjudications for delinquency be maintained in a comprehensive information system. They noted that if a case is diverted from the juvenile court, the diverting agency apparently did not consider the matter a serious one. They urged that delinquency adjudications are comparable to adult convictions and should be the only records maintained in any system. However, if records of police contacts or custodies were maintained, these witnesses strongly urged that the records be destroyed or sealed if they are found to be inaccurate, outdated, or when the offender reaches a certain age.

What Agencies Should Report Information to a Comprehensive Juvenile Justice Information System?

The Uniform Disposition Reporting Law requires several criminal justice agencies to submit information about adult arrests and convictions to the Department of State Police's Computerized Criminal History system. Under that law, the following agencies are required to report such information: law enforcement and arresting agencies, state's attorneys, Circuit Court clerks, county detention facilities, and the Illinois Department of Corrections.

If a comprehensive juvenile justice information system were created, many practitioners felt that mandatory reporting would be essential to ensure the accuracy and completeness of the data. Reporting to the former *Rolling Meadows File* was voluntary, and, as a result, many police departments submitted incomplete or inaccurate information, or they did not report at all. To prevent such problems, mandatory reporting of specific information should be required, including the following kinds of data.

Law enforcement and arresting agencies should report:

- Fingerprints, charges, and descriptions of all minors taken into custody for an alleged delinquent act or, alternatively, for an adjudication of delinquency.
- Decisions not to petition a minor for adjudication, including station adjustments and referrals.

State's attorneys should report:

- Decisions not to file a delinquency petition, if the minor has been taken into custody.
- Petitions filed with charges.
- Charges added subsequently to the filing of the petition.
- Charges filed if the minor is tried as an adult.
- Fingerprints, if the minor has not previously been printed.

Circuit Court clerks should report:

- Continuances under supervision before a finding or an adjudication.
- Conditional discharges.
- Placements in legal custody or guardianship, either with or without also being put on conditional discharge.
- Commitment or detention orders.
- Orders to be tried as an adult.
- Delinquency adjudications.
- Released or dismissed dispositions.
- Any other dispositional order that can be appealed.

County detention facilities should report:

- Receipt information.
- Discharge information.
- Escapes.
- Deaths.

The **Illinois Department of Corrections' juvenile division** should report:

- Receipt information.
- Supervised releases.
- Unauthorized absences.
- Transfers to other agencies.
- Authorized absences.
- Deaths.
- Discharges.
- Escapes.

Alternatively, other practitioners suggested that for any information system to be comprehensive, social service and treatment agencies should be required to report limited information: referrals, receipt of a minor, transfers, discharges, and the name of the child's caseworker, if applicable. Highly confidential clinical or medical records, they noted, should not be placed in the information system.

Creating regional or county juvenile justice information systems, rather than a Statewide system, would make mandatory reporting more difficult to administer and monitor. Should regional or county systems be implemented, the issue of how to

ensure that appropriate agencies submit data, short of a mandatory requirement, needs to be resolved.

Which Agencies Should Be Able to Access Information in a Comprehensive Juvenile Justice Information System?

While the majority of practitioners felt that all criminal justice agencies should be able to access any juvenile justice information system, they also recommended that only certain employees of those agencies be authorized to review system records (as current policies now provide). A minority of witnesses, however, argued that social service agencies providing services to individual minors also should have limited access to system information, on a *need to know* basis. This would enhance the networking capabilities of criminal and juvenile justice agencies, they said.

The practitioners overwhelmingly agreed that juvenile justice professionals should be able to obtain information needed to perform their official duties. They also agreed that, to protect minors' confidentiality rights, organizations operating outside the traditional juvenile justice network should *not* have access to information from a comprehensive juvenile justice information system.

What Operational Considerations Must be Addressed?

The practitioners agreed that several operational issues must be considered and resolved before any information system could be implemented.

First, controlling access to the system would be of primary importance. Currently, the Juvenile Court Act requires that cases involving minors taken into custody must be handled by police juvenile officers. Logically, those officers should be authorized to access information contained in a comprehensive system. However, the act does not describe the duties and qualifications of police juvenile officers, nor does it require specialized training for those officers. In some parts of Illinois, where sheriff's offices and police departments are very small, an officer may be assigned both to a patrol beat and to juvenile cases, or the juvenile officer may work only part-time or for a limited period. The practitioners noted that defining "juvenile officers" and mandating training in juvenile justice information issues should be strongly considered. They urged that access to juvenile justice information be limited to police, state's attorneys, court officials, and other agencies that have trained juvenile specialists. A related issue involves whether civil or criminal penalties should be imposed when unauthorized access or disclosure is made.

Second, a juvenile justice information system should provide a mechanism for a minor and his or her parents, legal guardian, or custodian to challenge the accuracy of the records. Any agency maintaining such a system should develop procedures that allow the minor to correct errors contained in the system.

Third, rules and regulations should strictly control dissemination of system information. Such procedures should designate when, how, and to whom juvenile justice information could be disseminated.

Fourth, strict security measures should be implemented to protect the physical location where any juvenile records are stored.

Fifth, inaccurate or incomplete records should be expunged from the system. Automatic sealing, purging, or expungement mechanisms could be included so that if a minor had no further criminal or delinquency activity after a specific age, his or her

record would be inaccessible. However, if a delinquent minor subsequently entered the adult criminal system, his or her record could be preserved for consideration by the criminal courts.

Sixth, an audit mechanism should be created to periodically monitor the accuracy and completeness of any juvenile justice information system, similar to the way the Authority now audits the adult criminal history system. Some professionals noted that periodic and systematic audits are particularly important in juvenile justice agencies, which by their very nature serve clients who are unable, or unlikely, to challenge the accuracy of their records. The individual's right to challenge a record may be insufficient to ensure reasonable accuracy of the entire data system.

Finally, most practitioners agreed that any system should be automated and should operate with state-of-the-art computers. Because the former *Rolling Meadows File* was a manual system, excessive manpower was required and the possibility of inaccuracies was great. Many witnesses felt that an automated system not only would better ensure the accuracy and control of juvenile data, but also would reduce the cost of implementing a comprehensive juvenile justice information system.

Appendices

Preceding page blank

Appendix A: Public Hearings Summary

In spring 1985, the Authority held four public hearings in different parts of the State to solicit testimony from juvenile justice professionals. Witnesses were asked to comment on current State policies regarding juvenile information and on how those policies affect different types of juveniles and different agencies and organizations that serve youth. Witnesses testified about how current policies affect the collection, maintenance, storage, and access or exchange of juvenile information, how current policies help or hamper the effective operation of the juvenile justice network, and what the overall policy *should be* in Illinois for how juvenile justice agencies manage information.

The hearings were conducted in the following locations on the following dates:

Springfield	February 27, 1985 Sangamon County Building County Board Room
Des Plaines	March 20, 1985 Village Hall 1420 Miner Street Council Chambers
Markham	April 10, 1985 Cook County Circuit Court District No. 6 16501 S. Kedzie Meeting Room, Lower Level
Belleville	May 21, 1985 St. Clair County Building 10 Public Square County Board Room

In setting up the hearings, the Authority attempted to compile an exhaustive list of potential witnesses. The agency mailed invitations to more than 500 juvenile justice experts throughout the State. Within geographic proximity of the four hearing sites, invitees were selected from among the different agencies and organizations most affected by juvenile information policies, particularly police, sheriffs, state's attorneys, court personnel, probation officers, social service agencies, and various State agencies. In all, 57 witnesses presented their views to the Authority.

List of Witnesses

Illinois Agencies

Department of State Police

Gary Dodson, master sergeant, Illinois State Police

James Finley, assistant deputy director

Preceding page blank

Thomas Schumpp, special agent in charge, intelligence command

Department of Children and Family Services

Bruce Rubenstein, deputy director, Division of Youth and Family Services

Department of Corrections

Harold Thomas, superintendent, Area 1 community supervision (*also representing the Illinois State Bar Association's Juvenile Justice Committee*)

County and Local Agencies

Court Services

Leonard Hohbein, assistant to the director, Cook County Juvenile Court Services

Jack Chick, chief probation officer, DeWitt County Probation Office

Byron York, chief probation officer, Jackson County Probation Office

Gary Schumacher, chief of juvenile probation, Madison County Court Services

Robert Burdine, chief probation officer, Morgan County Probation Office

Terrence Lynch, chief of juvenile court services, Rock Island County Probation Office

John Vargas, director, Sangamon County Court Services

Jerry Chrisman, chief probation officer, Vermilion County Probation Office

State's Attorneys' Offices

Arthur Hill, supervisor of juvenile division, Cook County

Blanche Hill Fawell, assistant state's attorney, DuPage County

Cynthia Kush, assistant state's attorney, Knox County

Donald Bernardi, state's attorney, Livingston County

Lisa Struif, chief assistant state's attorney, St. Clair County

Cheryl Essenburg, assistant state's attorney, Sangamon County

Brian Addy, assistant state's attorney, Tazewell County

Sheriff's Offices

G.R. Doty, investigator, Champaign County

Robert Kinderman, juvenile officer, Christian County

Robert Gale, juvenile officer, Knox County

George Rose, corporal, Lake County

Steve Brienen, sheriff, McLean County

Municipal Police Departments

Gerald Giovanoni, sergeant, Brookfield

William Bransfield, lieutenant, youth division, Chicago

Gary Miller, juvenile officer, Chicago Heights (*also representing the Illinois Juvenile Officers' Association*)

Lawrence Zumbrock, sergeant, Des Plaines

Mel Mack, juvenile officer, Elk Grove Village

Kip MacMillan, commander, Evanston

Robert Bonneville, chief, Glencoe

Charles Wolavka, detective, Glenview

William Nolan, chief, Homewood (*also representing the Illinois Association of Chiefs of Police*)

Leo Korczak, juvenile officer, Joliet

Fred Goss, sergeant, LaGrange

Richard Walsh, detective, Matteson (*also representing the Illinois Juvenile Officers' Association*)

Charles Gunn, juvenile officer, Maywood

Thomas Marxen, sergeant, Moline

Patrick Fitzgerald, juvenile officer, Park Forest (*also representing the South Suburban Juvenile Officers' Association*)

Anthony Berry, chief of juvenile division, Peoria

Mark Prosser, detective, O'Fallon (*also representing the Illinois Juvenile Officers' Association*)

Samuel Gaynor, youth division chief, Rockford

James Kuzel, detective, Schaumburg

Darwin Adams, juvenile officer, Streamwood (*also representing the North Suburban Juvenile Officers' Association*)

Larry Adelsburger, juvenile officer, Urbana

Schools

Mark Leatzow, principal, Pace High School, Blue Island

William Washburn, principal, Sullivan House

Detention Homes

Darrell McGibany, superintendent, Madison County Juvenile Detention Home (*also representing the Illinois Probation and Court Services Association*)

Private Organizations

Social Service Agencies

Marjorie Marr, community service worker, Central Illinois Youth Services Bureau

Linda Watt, consultant, Child Care Association of Illinois

Lucky Hollander, Hoyleton Youth and Family Services, Illinois Collaboration on Youth

George Chester, project coordinator, Lessie Bates Neighborhood House

Jerry Lipsch, director, Spectrum Youth Services

Denis Murstein, administrative director, Youth Network Council

Private Citizens

William Phillips, retired juvenile parole officer, Illinois Department of Corrections

Anne OBrien Stevens, director, Chicago Law Enforcement Study Group

Testimony of Witnesses

The Questions

The testimony at the public hearings was limited to issues of juvenile justice administration and how current information policies in the State either enhance or deter effective treatment of juveniles in the network. Each witness was asked to focus his or her comments on the following questions about juvenile justice information policies:

1. How do current policies affect the ***collection*** of juvenile justice information by juvenile justice agencies? What should the policy be for collecting juvenile justice information?

2. How do current policies affect the ***maintenance*** of juvenile justice information by juvenile justice agencies? What should the policy be for maintaining juvenile justice information?

3. How do current policies affect the ***storage*** of juvenile justice information by juvenile justice agencies? What should the policy be for storing juvenile justice information?

4. How do current policies affect the ***access and exchange*** of juvenile justice information by juvenile justice agencies? What should the policy be for accessing and exchanging juvenile justice information?

5. Are current ***laws*** that govern the management of juvenile justice information confusing? Do juvenile justice professionals understand those laws?

6. Considering operational, philosophical, and jurisdictional limits, what should the ***State policy*** be regarding the management of juvenile justice information?

The Responses

A summary of the key issues raised by witnesses at each public hearing follows. Note that all of the issues listed here were raised as informal observations by the people testifying at the public hearings, and they do not necessarily represent the opinion of the Authority.

Springfield

Research and Juvenile Information

One State agency should collect and disseminate statistical information about juvenile court proceedings for the entire State on a monthly and yearly basis.

Victim Access to Juvenile Information

1. Currently, if a delinquency case is resolved informally without a court finding, victims, their legal representatives, or subrogees cannot obtain the minor's name, address, and case disposition for restitution purposes.

2. Insurance companies of persons victimized by minors should be able to obtain the name, address, and case disposition for restitution purposes.

Schools and Juvenile Information

1. School officials who now receive a copy of the juvenile court's disposition order for a minor found delinquent of a felony offense should be able to pass that information on to appropriate school employees.

2. The laws governing the exchange of information between schools and law enforcement agencies should be clarified.

Access to and Dissemination of Juvenile Information

1. Law enforcement agencies should be able to inspect and copy each other's juvenile information during investigations of offenses that would be misdemeanors if committed by adults. Interagency exchange of such records should not be limited to the investigation of "felonies" allegedly committed by minors.

2. The felony limitation results in some minors receiving many station adjustments because law enforcement agencies cannot exchange records about prior station adjustments during misdemeanor investigations.

3. The felony limitation may cause a minor to be treated as a first-time offender, when in fact he or she may be a repeat offender.

4. Records of traffic violations committed by minors that are processed in juvenile court should be reported to the Secretary of State's Office.

5. The Department of State Police and local law enforcement agencies should have limited access to the Department of Children and Family Services's child abuse and runaway children records when they are investigating missing children cases.

6. Law enforcement agencies should be able to fingerprint a juvenile for comparison with latent fingerprints found at a crime scene and to send them to the Department of State Police without having to obtain a court order.

7. Law enforcement and social service agencies should be able to exchange information about minors without having to obtain a court order, since they must make immediate decisions about referrals and dispositions.

8. Juvenile court personnel should be able to obtain a minor's social service treatment record without a court order.

9. When criminal justice agencies are investigating or prosecuting delinquency cases, they should be able to obtain information about a minor's history of abuse or neglect without a court order.

10. Law enforcement agencies should be authorized to exchange juvenile record information by telephone.

Juvenile Information Systems

1. One State agency should have a central index of juvenile probation records to help court service personnel obtain a juvenile's complete *probation rap sheet*.

2. A Statewide or regional juvenile information system should be created that would contain records of delinquency arrests and adjudications for offenses that would be misdemeanors or felonies if committed by an adult.

3. A juvenile information system should include fingerprints and photographs of juveniles accused of or adjudicated for delinquency, so that positive identifications can be ensured.

4. Only authorized employees of criminal justice agencies should have access to a juvenile information system.

5. A juvenile information system should include limited information about a juvenile's past progress in social service agencies, so law enforcement officers can consider that information when making a station adjustment in a delinquency case, as they now are required to do by law.

Des Plaines

Research and Juvenile Information

1. Researchers conducting studies on juvenile offenders have discovered many disparities, inconsistencies, and contradictions in juvenile court records, which may indicate that police, prosecutors, defense attorneys, and courts are making decisions without accurate data.

2. Many researchers do not support expunging juvenile records because it is not the answer to inappropriate recording of or access to such information and because it inhibits offender-based tracking studies.

Schools and Juvenile Information

1. School officials should be authorized to provide limited information to criminal justice and social service agencies, such as whether or not the child attends a particular school, the child's home address, and the names of the child's parents or guardians.

2. Although state's attorneys are required to notify school administrators when a juvenile is adjudicated delinquent for a felony, the law is followed rarely.

3. School administrators should be notified of adjudications for both misdemeanor and felony offenses.

Access to and Dissemination of Juvenile Information

1. The felony limitation on the interagency exchange of law enforcement records should be changed to include misdemeanor investigations involving minors.

2. The felony limitation hampers juvenile police officers from taking corrective action that could divert a child from the criminal justice system.

3. By law, military personnel have complete access to law enforcement juvenile records, yet law enforcement agencies are limited to inspecting and copying each other's records during felony investigations only.

4. The law should be clarified about whether police officers may exchange information over the telephone about misdemeanors, status offenses, and police contacts with juveniles, since the felony limitation applies only to the inspection and copying of law enforcement records.

5. Police juvenile officers must call many other agencies to obtain a minor's history, yet they have a limited amount of time to make an appropriate disposition.

6. Since as many as 50 percent of the minors taken into custody by police departments in Cook County are from other cities, juvenile officers should be able to obtain records about those minors from their home police departments without limitation.

7. The felony limitation creates problems in the Chicago area when youthful offenders travel from one city to another; it deprives juvenile officers of information that could affect juvenile crime and prevents officers from recognizing problem youths early in their criminal careers.

8. The General Assembly has sent contradictory messages to juvenile officers: On the one hand, they have wide discretion to issue station adjustments for juvenile offenses, but, on the other hand, there are strict limits on their ability to exchange information about minors.

9. The new station adjustment law requires juvenile officers to consider a youth's past record, but legal barriers prevent them from verifying that information outside of their own department.

10. The Juvenile Court Act encourages *networking* by juvenile justice agencies, but it bars them from exchanging needed information in many instances.

11. Social service agencies should be able to access law enforcement records even if a court order has not assigned the agency to treat a child, since the intent of the law is to divert the child from the court.

12. All agencies involved in treating a child should be able to exchange information about that child without having to obtain a subpoena or court order.

13. Parents and minors should be able to consent to the release of social service records to police departments and to permit the release of law enforcement records to social service agencies.

14. The consent of the minor and his or her parent or guardian should be required before juvenile justice agencies exchange information, because that process promotes a therapeutic environment.

15. Although the goal of the juvenile justice system is to protect "the interest of the minor," professionals receive limited information and may not be able to recognize a child's problem prior to his or her becoming involved in serious crime.

16. Early recognition of a child's problem is the key to treatment, and recognition of that problem can be gained only through information.

17. The Mental Health and Developmental Disabilities Act should be changed to permit minors older than age 16 to obtain treatment and to authorize the release of records without parental consent.

18. The Chicago Police Department has an effective 24-hour juvenile information system accessible to juvenile officers in other cities who are designated by their chiefs of police. Access to the system is controlled by strict codes.

19. The General Assembly should expressly limit the inspection and copying of juvenile law enforcement records to trained, certified, and registered youth officers if it wishes to limit access to such records.

20. Juvenile justice agencies in cities that border other states have difficulty obtaining juvenile records from those states because of conflicting laws.

21. Future policies should ensure that access to juvenile records is restricted to proper agencies and kept from public disclosure to protect the special treatment of children and their right to privacy.

22. When any outside agency requests juvenile record information, a log of such requests should be kept.

Maintenance and Storage of Juvenile Information

1. Purging and expungement laws governing juvenile information are inconsistent and confusing.

2. Laws are needed to define when juvenile information should be sealed, purged, or expunged from automated juvenile justice systems and other local records systems.

3. A Statewide policy on the sealing, purging, or expunging of law enforcement juvenile records is needed.

4. When a juvenile court grants a petition to expunge a minor's record, the law is unclear about how to accomplish this when there are multiple defendants in a particular case.

5. If juvenile records are expunged and a civil suit is filed against criminal justice professionals, those officials will have a difficult time defending themselves.

6. Expunging juvenile record information can impede the ability of law enforcement to screen employment applicants.

7. The law requiring the Department of State Police to destroy all records of juvenile adjudications when a minor reaches the age of 19 should be eliminated to permit tracking of adult offenders.

8. The juvenile court of Cook County follows the Illinois Local Records Act when it destroys juvenile court records and family files. Such records are destroyed if: 1) the child has no outstanding active case, 2) there are no siblings under the age of 18, 3) adoption folders are maintained for 99 years, or 4) the juvenile reaches the age of 21 where the first three requirements do not exist.

9. Police and court records often indicate discrepancies in gang affiliation, charges, ages, and incident addresses.

10. In some counties, court officials who conduct social investigations of minors have no information about a juvenile case until after a disposition, while others screen cases and have complete information before a case is referred to a juvenile court judge.

11. In Cook County, the juvenile court maintains *family folders* containing detailed information on all interactions with the minor and his or her family; these folders are stored in tattered files and often are incomplete.

12. Consistency and accuracy of criminal justice juvenile records are critical to prevent youths from advancing further into the system and becoming recidivists.

13. The law requires law enforcement agencies to store juvenile records separately from adult records, but it does not explain how the separate storage requirement works with automated records systems.

14. The separate storage requirement lessens the ability of law enforcement agencies to obtain a child's complete background.

15. Automated records systems should be programmed to segregate juvenile records from adult records automatically.

Juvenile Information Systems

1. A central juvenile information system is needed to promote proper record keeping, record exchanges, and tracking of juvenile offenders.

2. Only information about juvenile offenders should be included in a juvenile information system, not information about minors who require authoritative intervention or neglected or dependent minors.

3. A juvenile information system should contain fingerprints and photographs of minors to ensure positive identifications.

4. If a juvenile information system is created, information on police contacts with minors and referrals to social service agencies should be included.

5. A mechanism should be created to show when an outstanding warrant has been issued against a juvenile, without officers having to call the juvenile court during working hours.

6. Information on runaways should be included in a juvenile information system because they often have outstanding warrants against them.

7. A juvenile information system should contain a notation showing the name of a minor's social worker or crisis-intervention counselor so juvenile officers may contact those parties.

8. If a juvenile information system is created, strict controls on access, dissemination, use, and expungement or sealing of records will be needed.

9. Juvenile officers, probation officers, prosecutors, and case workers should have access to a juvenile information system.

10. A juvenile information system should be accessed only by certified, trained, and authorized juvenile officers.

11. The Chicago Police Department is concerned about the cost of converting its paper files for any agency that would administer a juvenile information system. The cost could be reduced if reporting could be done by computer.

12. A juvenile information system should not be a manual system like the former Juvenile Officers' Information File (or *Rolling Meadows File*) because too many inaccuracies may result.

13. The former Juvenile Officers' Information File was a valuable tool and contained strict controls to ensure the proper exchange of confidential juvenile information.

14. The major drawback of the former Juvenile Officers' Information File was that it was voluntary and depended on manual reporting by police departments.

15. A central juvenile information system is not needed when police departments have few contacts with juveniles from outside their cities.

16. A computerized juvenile information system would likely be more accurate and complete than a manual one.

17. A computerized juvenile information system should be maintained separately from local governing bodies' computer systems.

18. Juvenile information in a Statewide system should be maintained separately from adult criminal records.

19. A juvenile information system should automatically purge all records when the minor reaches age 18, unless he or she has committed what would be a Class X felony if committed by an adult.

20. There should be civil and criminal remedies for unauthorized access to or disclosure of information in a central juvenile information system.

21. If a juvenile information system is created, all police departments should be required to report juvenile information.

22. One means to ensure accuracy and completeness of juvenile information would be mandatory formatting and mandatory reporting from all involved agencies on a Statewide basis.

23. A regional juvenile information system for the Chicago area is most needed at this time.

General Considerations

1. The General Assembly should consider enacting one law governing all records maintained by agencies that come into contact with minors, since current statutes are scattered throughout the law books and are confusing and contradictory.

2. Jurisdictional age requirements vary from statute to statute and should be made consistent.

3. Juvenile officers' duties should be standardized on a Statewide basis.

4. There should be mandatory and uniform training of police juvenile officers on a Statewide basis, whether or not they are part-time officers.

5. Legislation alone will not solve the problems of managing juvenile information; agency cooperation is needed.

Markham

Victim Access to Juvenile Information

1. There are several reasons police officers should be authorized to show *mug shots* of juveniles to victims and witnesses of crimes without a court order: 1) police may have only the name of the offender, if a name is known, and if the victim does not know the offender's name, there will be no arrest; 2) police may have to rely on yearbooks or other sources, but may not be able to find out which school, if any, the youthful offender attends; 3) police could arrest the wrong child and not know it until after a lineup; and 4) the sooner a juvenile offender is identified, the greater the witness's credibility will be in court.

2. Victims' rights need to be expanded so they can obtain identifying and dispositional information about juvenile offenders where cases are resolved informally and where the juvenile court never finds a child delinquent.

3. When a juvenile officer issues a station adjustment for a juvenile officer, victims cannot get information about the minor to obtain restitution because the law prohibits releasing any information to a member of the public.

Schools and Juvenile Information

1. Law enforcement agencies should be able to obtain from schools basic information about a child, such as where he or she lives, whom he or she is living with, and identification data.

2. School officials need to obtain information about children and to share it with other agencies, both of which are now prohibited.

3. School officials have no way of knowing how many of their students are in the juvenile court system, how many incidents they have been involved in, how many petitions have been filed, or how many times the child has been incarcerated.

4. Since school officials are responsible for the safety of staff and other students, they need to know which students have serious delinquency charges pending against them, not just information about felony adjudications.

5. School officials should not have to stretch the laws to provide information to law enforcement agencies.

6. Communication between schools and law enforcement agencies cannot be limited to the chief executive officers of those agencies. Laws governing the exchange of information should not handcuff those professionals.

7. When truancy was removed from the jurisdiction of the juvenile courts, the ability of schools and law enforcement officers to enforce attendance was eliminated; this hampers efforts to prevent children from becoming involved in criminal activity.

8. School officials must be able to use information to identify marginal youth offenders and to help them rehabilitate themselves; this requires the exchange of information with criminal justice and social service agencies.

9. In the Joliet area, some school officials refuse to talk to police officers who are merely trying to contact a relative of the child.

Access to and Dissemination of Juvenile Information

1. Youths, especially gang members, move from city to city, but law enforcement agencies cannot determine how mobile these minors are since they cannot exchange information.

2. In the Chicago area, police officers may have to telephone many different agencies to obtain needed background information about juvenile offenders.

3. The present system of exchanging police juvenile information is time-consuming.

4. If a child taken into custody is from another city, juvenile officers should have the option of contacting that police department to obtain a summary of past charges and dispositions.

5. The felony limitation on the exchange of law enforcement records inhibits the early diversion and treatment of juvenile offenders and hampers police efforts to prevent juvenile crime.

6. The felony limitation protects repeat juvenile offenders and operates as an excellent mechanism for concealing gang members; it also is an injustice to legitimate first-time offenders because juvenile officers may operate on the assumption that those minors have committed offenses in other cities.

7. Police agencies should be able to share information about station adjustments, arrests, and warrants, since minors now may go from city to city committing offenses and starting fresh in each jurisdiction.

8. Juvenile officers cannot make rapid decisions about station adjustments because they may have to survey hundreds of governmental agencies in Cook County to get background information about children.

9. As many as 30 percent of juveniles taken into custody in some cities come from other jurisdictions. Juvenile officers must make an immediate disposition decision,

but, if the child is picked up on a weekend, there is no way to determine the child's prior record outside that city.

10. While the Chicago Police Department has an excellent juvenile records system that other authorized police agencies can access, there are more than 3 million people living in Cook County outside the city limits in separate jurisdictions; this fragments the flow of juvenile information.

11. Law enforcement agencies have been exchanging adult criminal history records for years; they should be given the ability to do the same with juvenile records as well.

12. When law enforcement juvenile records are accessed by other agencies, records of who requested and received that information generally are not kept.

13. Police departments have received conflicting legal opinions about whether they may exchange juvenile records with social service agencies, yet police often refer children to those agencies when making a station adjustment.

14. Information about juveniles is now shared informally by criminal justice agencies; State policies should recognize that reality.

15. Juvenile justice professionals are one of the best resources to help children, yet they are precluded by confidentiality restrictions from obtaining needed information.

16. Information collection at the case level should allow service providers--police, court personnel, and community-based organizations--to perform their respective functions, share information, and act in the best interest of the child.

18. The Illinois State Bar Association opposes inappropriate dissemination of juvenile records, which should be exchanged only on a *need to know* basis.

19. The juvenile courts should retain control over their records.

20. Many persons must report suspected child-abuse cases, but other laws require written parental consent before a child's medical records may be released to police and prosecutors, thus allowing a parent offender to block the investigation. There should be an exemption permitting law enforcement officials to obtain hospital records without a parental waiver in child-abuse investigations.

21. The Department of Children and Family Services should change its policy of expunging all "undetermined" or "unfounded" child-abuse records because such findings often result just because a family moves or the victim is too young to communicate. Law enforcement agencies should be able to access those records.

Maintenance and Storage of Juvenile Information

1. Since young people are involved with the criminal justice system at a disproportionately higher rate than adults, disproportionate measures are needed to ensure that information maintained about them is given the same protection as information about adults.

2. The technology is available to create a central juvenile information file, so juvenile information must be protected and should not be retrievable when the child becomes an adult.

3. Information that is harmful or irrelevant should be purged because the young person deserves the opportunity to rehabilitate himself or herself.

4. *Rap sheets* for juveniles currently do not show dispositions, referrals, and detentions, so prosecutors must go to the juvenile court's *family files* to obtain a full picture of the minor's background.

5. Laws governing the sealing, purging, or expunging of law enforcement juvenile records are unclear.

6. If juvenile information is expunged, it will not be available to the criminal courts that may encounter the person as an adult.

7. Information about violent crimes committed by minors must be available to judges, prosecutors, and law enforcement officials after the minors become adults.

8. Conflicting legal opinions have been given about whether law enforcement juvenile records can be maintained in an automated system that also contains adult offender information, or whether controlled access would satisfy the separate storage requirement.

Juvenile Information Systems

1. A Statewide juvenile information system is not necessary because law enforcement officers from the southern half of Illinois rarely have a need to know information about minors in the northern half of the State, and *vice versa*.

2. Information on children should be maintained on a local level only; if a police officer wants information about a child from another jurisdiction, he or she should call the local police department to obtain the information.

3. Allowing only juvenile officers to access a central file is unrealistic because few departments have trained youth officers, some departments designate all police officers as youth officers, and some officers rotate from juvenile duties to patrol duties.

4. If information about abused and neglected children or status offenders is placed in a central system, it raises grave policy and confidentiality concerns.

5. The law should authorize interagency exchanges of police juvenile information through a central repository.

6. Law enforcement agencies need a central juvenile information system to determine whether or not a minor is a repeat or first-time offender.

7. Many cities have large shopping malls, public transportation facilities, and interstate highways, all of which help juvenile offenders from other cities to commit offenses and escape undetected.

8. Police departments need a means to obtain information on gang membership, especially for youths from other jurisdictions.

9. A central juvenile information system for law enforcement agencies would not be unusual, given that the Department of Children and Family Services now maintains a central file on child-abuse cases, with 24-hour access by authorized persons and strict controls.

10. If a minor escapes from an Illinois Department of Corrections juvenile facility, security officers are prohibited from distributing via a central repository a picture of the escapee to neighboring police departments.

11. A countywide juvenile information system would be inadequate because many cities overlap different counties.

12. The former Juvenile Officers' Information File should not have been abolished because it operated on strict access principles with coded officer access and coded responses.

13. Any juvenile records repository should have strict access controls to screen inquiries.

14. If a central juvenile information system is created, it must contain complete information, including dispositions.

15. Information in a juvenile information system should be computerized and should be updated every month or after each serious offense.

16. If a central juvenile information system were created, no information should be released over police radios.

17. If a central juvenile information system were created, access should not be given to school officials, employers, or governmental agencies other than criminal justice agencies.

18. There should be civil penalties for improper disclosure or use of information placed in a juvenile information system.

General Considerations

1. The Authority should start from the premise that agencies in the juvenile justice system must work cooperatively and effectively together.

2. The goal of juvenile information management should be to identify certain populations, to determine the types of services provided to those groups, to monitor an individual's or group's performance over time, to evaluate the effectiveness of services, and to modify programs as needed.

3. Communication and networking has broken down because the trend has been to protect the juvenile delinquent instead of the victim, to inform children that they will be punished but then to repeatedly release them without any sanctions, and to delay or avoid providing necessary services to youth because of lack of funds.

6. Much can be accomplished by coordinated communications and decision-making on the local and regional level, which means that public employees must have adequate information about children.

7. One State juvenile services program should be created to coordinate all agencies and to eliminate children *falling through the cracks*.

8. Information policies should ensure that policymakers can make informed decisions in the best interest of both minors and society.

9. More than any other information factor, confidentiality cuts across all facets of the juvenile justice system and is complicated by the mandates imposed on juvenile justice professionals to help children.

10. While there may be certain barriers to the management of juvenile information, those issues can be resolved.

11. Policies regarding juvenile justice information are at a critical juncture because technology has advanced to the point where options for processing information are almost limitless.

12. Future juvenile information policies should ensure that the system remains structured so as to guarantee unobstructed opportunities for every young person who comes into contact with the system.

13. Policy changes should ensure that service providers in different communities can operate in the best interests of children and society.

14. The number of delinquency petitions filed in Cook County has increased over the last four years.

15. The level of violence by youths in Cook County has increased, and the juvenile offender has become more sophisticated about current limits of the juvenile justice system.

16. In McLean County, juvenile justice professionals and school officials agree that law enforcement's role in and out of the system needs to be expanded to enable them to become more involved with children.

17. The practice of wholesale dismissals of juvenile delinquency cases by the courts should be changed; citizen advisory panels could be formed to hear less serious cases and recommend dispositions to the juvenile courts.

Belleville

Research and Juvenile Information

1. Researchers and local agencies trying to document their funding requirements need Statewide statistical information about minors taken into custody and about dispositions; this information would help them evaluate services and measure recidivism.

2. A mechanism should be created to collect Statewide data on juveniles so that policies and programs for the proper administration, assessment, evaluation, and enforcement of the Illinois juvenile justice system can be implemented.

Access to and Dissemination of Juvenile Information

1. Current policies should be changed because they restrict the copying and inspection of juvenile law enforcement records to felony investigations.

2. The felony limitation is unworkable because, while some juveniles commit many felonies, a much larger percentage commit misdemeanor offenses.

3. Minors are very mobile and may commit misdemeanor offenses in many towns. As a result, they may receive station adjustments in each jurisdiction because juvenile officers are unable to obtain their history of prior informal dispositions.

4. The felony limitation results in society being victimized by continued criminal activity, and a child whose life may have been altered by early intervention is not given proper services.

5. Juvenile detention facilities maintain master lists of children in custody; police may call the facilities to determine whether a child has escaped.

6. Probation officers need training about what information they should be collecting about minors and when they may disclose such information.

7. A mechanism should be developed to help law enforcement officers determine when a juvenile has been placed on probation.

8. Training is needed to instruct social service workers about when and to whom they may release juvenile records.

9. In the St. Louis area, children cross state lines and may live at Scott Air Force Base; obtaining background information on those minors is difficult.

10. The Illinois Department of Corrections's juvenile division has standards for managing juvenile detention information; however, a more liberalized policy for obtaining information from schools, physicians, psychiatrists, and psychologists is needed. Staff and minors must interact immediately, and current policies make record collection difficult and slow.

11. A policy is needed to allow the placing of outstanding juvenile warrants on LEADS/NCIC; present practices inhibit communication between the police and juvenile detention facilities.

12. If juvenile justice officials are patient, they are able to obtain needed information; the State policies on the dissemination of juvenile information should not be broadened.

13. Current laws governing the dissemination of juvenile information should be stricter, not looser, to prevent a great disservice to the thousands of youths in Illinois who grow up to be good law-abiding citizens.

14. Existing laws are adequate and broad enough to enable criminal justice and juvenile justice agencies, including juvenile probation officers, to collect needed information about minors.

15. Department of Children and Family Services staff may release child-abuse and neglect records to criminal justice agencies if their supervisor approves, if disclosure is necessary to protect the child's safety, or if the information is relevant to a pending investigation. In all other instances, the department director or his or her designee must approve the release of identifiable information to police officers.

16. DCFS will disclose child-abuse records, without the consent of the record subject, to law enforcement officers investigating a case, when state's attorneys are performing their assigned duties, when a court is determining an issue before it, when a grand jury is performing its official duties, and when law enforcement officers in other states are investigating "indicated" reports; the information is

released only for aiding the investigation, assessment, or service provision in that state.

Maintenance and Storage of Juvenile Information

1. Probation and court services officers are confused about when juvenile records should be closed, purged, or expunged, since there are no State guidelines and Local Records Acts often conflict.

2. All juvenile probation files should be destroyed three years after a child reaches age 21, but the clerk of court's records should be destroyed 10 years after the minor reaches the age of majority.

3. Many probation departments follow the Illinois Conference of Chief Judges' 1981 recommendations that suggested the destruction of juvenile court records 10 years after the minor reaches the age of majority.

4. All agencies maintaining juvenile records should be accountable to some authority for the quality of those records; this could include periodic inspections to ensure proper procedures.

5. Although the Local Records Commission of the Secretary of State's Office has the authority to set procedures for retaining or destroying records kept by juvenile detention facilities, there are inconsistencies in practice. The State policy should emphasize uniformity.

6. Juvenile detention facilities should be authorized to destroy juvenile files after three years; the Circuit Courts should be authorized to destroy such files after 10 years.

7. The juvenile data collected by the Department of State Police and the Administrative Office of the Illinois Courts are often incomplete and inconsistent.

8. Some police departments and courts still intermingle juvenile and adult arrest records; this practice should be changed.

9. The law requiring police to store delinquency records separately from records about minors taken into "limited custody" as runaways should be changed. Runaways may commit criminal offenses for the same reasons they left home. If the youth officer knows of a child's runaway and delinquent history, he or she may decide to refer a child for counseling instead of filing a petition with the court.

Juvenile Information Systems

1. A juvenile offender information system containing records of all delinquency adjudications, particularly for minors with gang affiliations, should be created.

2. A central Statewide juvenile information system is essential to enable youth officers to obtain a minor's history; the present system often requires officers to call 20 or more cities to obtain that information.

3. The process of having to call many different local and State agencies to obtain data about juveniles hinders planning and the provision of services.

4. A mechanism should be developed to help law enforcement officers determine when a juvenile has been placed on probation.

5. A Statewide computerized juvenile information system would be beneficial for juvenile detention facilities and all criminal justice agencies, as long as there are procedural safeguards to ensure privacy and confidentiality.

6. A juvenile information system should be under the auspices of the juvenile court system and should be limited to records of adjudications; the Department of State Police would be the logical agency to administer the system.

7. A juvenile information system should contain records of delinquency adjudications and records of juveniles taken into custody because they allegedly committed acts that would be a Class X or Class 1 felony if committed by an adult.

8. The Department of State Police is attempting to create a computerized record system on gangs and their activities, which would require an exemption to certain confidentiality requirements of the Juvenile Court Act. The system would include identifiable information on gangs and gang members who violate the criminal laws and who have been adjudicated delinquent or convicted.

9. Any central juvenile information system should be administered by the Department of State Police, and input should come only from the juvenile courts; fingerprinting and photographing should be limited to adjudicated delinquents; the juvenile courts should be responsible for updating and purging the file; all files should be purged automatically when a youth reaches age 21; information should be disseminated only to police agencies and the juvenile courts; and other agencies like the Department of Corrections, the Department of Children and Family Services, or the Department of Mental Health and Developmental Disabilities should contribute limited information to the system.

10. If a central juvenile information system is created, it should not contain records on "alleged" delinquents, but should contain records only of children adjudicated delinquent.

11. Police contacts that do not result in a child being taken into custody or contacts that result in a referral to a crisis-intervention agency should not be placed in a juvenile information system.

12. Any central juvenile information system should be factual and not based on hearsay, allegations, records of arrests, police contacts, or alleged delinquency and should not contain fingerprints, photographs, or other such information unless the minor has been adjudicated delinquent.

13. Placing records in an information system when there is no conviction or adjudication is counter to the philosophy of the juvenile justice system and cannot be justified for adults, much less for minors who should not carry the stigma of a record into adulthood.

14. A juvenile information system should not be instituted that would indiscriminately collect information on juvenile offenders unless strict confidentiality controls are created and unless the information is limited to data about adjudicated delinquents.

15. If a central juvenile information is created, expungement and audit controls would be necessary. Audits should be conducted when a local agency is licensed or relicensed to access the system.

16. Any information system with identifiable information on delinquent minors should conform to the 1976 recommendations of the Illinois Commission on Children: 1) every item of information should be checked for accuracy and completeness before being entered into the system; 2) a system of verifying and auditing should be instituted, and persons who have received inaccurate information should be notified; 3) all inaccurate information should be purged and all other information should be purged after a specific period of time; and 4) information of unverified contacts or arrests that do not result in adjudications or convictions should not be maintained or disseminated.

17. A Statewide system for collecting and disseminating non-identifiable information about minors is needed, rather than a system of identifiable information about juvenile offenders; the latter raises potential risks to the rights of minors.

18. No central computer system for juvenile records should be created until the system is completely safe from abuse.

19. Juvenile record information should not be stored on central computers because the accuracy of such information is only as good as the people entering the data; the NCIC/LEADS system often shows "no record" when an adult has a long history of criminal activity, or it shows a record for someone other than the person in question.

20. Since delinquency stems from emotional and sociological problems and is not always part of a lifelong pattern, an information bank that would store negative information indefinitely may have lifelong consequences.

21. Any central juvenile information file carries the risk of improper access to highly damaging and unproved data about a child who may be working to correct unlawful behavior; in addition, the burden of expunging that information is on the youth.

22. A central juvenile information system, no matter how restricted, would slowly erode the confidentiality rights of juvenile offenders.

23. The former Juvenile Officers' Information File was resisted by every social service agency, and its only real support came from the police.

24. The former Juvenile Officers' Information File contained information on alleged delinquencies and was opposed by so many youth groups that it was discontinued.

25. The Department of Children and Family Services has a Statewide Child Abuse/Neglect Tracking System, and all information in the system is confidential. Any "indicated" report of child abuse in the State or local file will be expunged after five years, unless a later report involving the same subjects is "indicated." In that case, the file will not be expunged until five years after the last report was indicated.

26. The DCFS also maintains the Youth Service Information System, which contains records of treatment provided by service agencies. Individuals are identified by number, although the original service agency has personal identifying information.

27. The DCFS maintains the Juvenile Monitoring Information System, which contains information on all juveniles placed in detention facilities, but no individual identifiers are in the system.

28. The Department of State Police has a new system, called I-SEARCH, for locating missing children. However, the DCFS's Crisis Intervention Child Information System (CICIS), which contains information on runaway children, is not indexed by name. Currently, there is no way to search the CICIS file to determine if a runaway is a missing child. The DSP, the DCFS, police departments, and local service agencies are working on coordinating the two systems, which will take about a year.

General Considerations

1. While current laws governing juvenile record information may not be confusing to some, professionals in the field often do not understand those laws.

2. Current juvenile information laws are inconsistent and confusing; training sessions would be desirable.

Appendix B: Law Enforcement Survey

To study further how current policies governing juvenile information management affect juvenile justice agencies, the Authority prepared a survey for law enforcement agencies. The information the Authority sought centered on the practices that Illinois law enforcement agencies follow when they compile and share juvenile criminal history records. The questionnaire solicited from police agencies information on the ways in which juvenile information is collected, maintained, stored, exchanged, and expunged. A major portion of the survey dealt specifically with issues of juvenile record access and dissemination, since the potential variance of practices among agencies was deemed a central determinant of local, regional, or Statewide need for a coordinated juvenile records system.

The survey solicited information in the following areas:

1. General information about the volume of juvenile cases handled by the department.
2. Information about the department's procedures for handling juvenile cases.
3. Information about the types of information included in the department's juvenile records, and about which internal staff may access those records.
4. Information about the exchange of juvenile records between the department and other criminal justice agencies.
5. Information about the degree of coordination the department has with other agencies within the criminal justice community, and changes in this area that the department would favor.

A total of 309 surveys were mailed to municipal police departments and sheriff's offices throughout the State. To provide a representative sample, law enforcement agencies were selected on the basis of their size and location. A minimum agency size was set to minimize responses from extremely small departments. A total of 218 surveys (71 percent) were subsequently completed and returned to the Authority. Of those returned, 207 were completed in a manner that was amenable to a comprehensive analysis. However, one survey was unuseable for the analysis of situations in which police check juveniles' prior criminal history records.

Survey Results

The surveys that were returned and analyzed were geographically distributed along the same lines as the original mailing list (*see Figure 2*). Therefore, since agency selection was based on minimum staffing levels, the distribution was heavily weighted toward the more populous communities in Cook County and the collar counties (DuPage, Kane, Lake, McHenry, and Will). As Figure 2 indicates, 37.2 percent of the respondents were from communities in Cook County, and 22.7 percent were from the collar region, for a total of more than 60 percent. Of the remaining respondees, 30.4 percent were from central Illinois or northern Illinois outside the Chicago and collar region, and only 9.7 percent were from the southern part of the State.

A number of survey items asked about the size of a police agency, as well as its volume of juvenile activity. These items were used to indicate the operational diversity of this group. The survey results did, indeed, reveal this diversity

The number of sworn officers within the responding police agencies ranged from 7 to 243. However, very few of the departments approached the high end of this range. Seventy-five percent of the responding agencies contained 45 sworn officers or less, and 90 percent had fewer than 75 sworn staff. The median for the responding agencies was 26 sworn officers.

The number of juvenile officers within the responding agencies ranged from 0 to 27. Once again, the majority of respondees fell within the lower reaches of this range: 90 percent had seven juvenile officers or less. The median number of juvenile officers was 2.2.

Regarding the volume of juvenile offender activity, project staff recorded the number of juvenile arrests each agency reported to the Illinois Uniform Crime Reports (I-UCR) in 1983. The juvenile arrest volume in 1983 ranged from zero arrests for 12 of the departments to a high end of 1,570. More than half of the respondents reported less than 100 juvenile arrests during that period, and more than 75 percent had fewer than 200 juvenile arrests. The median was 87.7 arrests.

The survey inquired extensively into the juvenile records management procedures of the agencies. The first item in this section inquired about which situations would prompt the respondees to check the prior record of a juvenile. As seen in Figure 3, the responding agencies' policies generally did not agree in this area. While the majority of agencies (83.5 percent) did not routinely check prior records in situations that constituted nothing more than interaction with the youth, the more serious situations produced less consensus from the respondees.

In instances of a misdemeanor arrest, 52.7 percent had a policy of checking the juvenile's prior record. In felony arrest situations, this percentage rose slightly to 56.8 percent. Approximately 60.2 percent had a policy of checking prior records of juveniles when referring that youth to a social service agency. These response patterns seem logical, since the frequency of record checks seems to correspond with the intensity of police involvement.

Respondents were also asked about the types of data that they collect about juveniles in different situations (*see Figures 4-6*). Agencies were asked specifically whether they collect the following types of information in contact, misdemeanor arrest, or felony arrest situations:

- Descriptive information (name, age, etc.).
- Prior arrest history.
- Prior court disposition history.
- Prior history of contacts with the respondent's department where no petition or charges were filed.
- Prior social service referrals.
- Fingerprints.
- Photographs.

As might be expected, the survey found that police agencies tend to collect more information types as the situation becomes more serious. In contact-only situations, 87 percent of the agencies collect descriptive information, 71 percent collect information on prior contacts with that agency, 63.3 percent collect social service referral information, and 60.9 percent collect prior arrest data. However, only 42 percent of the respondents collect prior court disposition information, 16.4 percent collect photographs, and only 12.1 percent collect fingerprints in these situations.

In a misdemeanor arrest situation, there is a tendency for more data to be collected. In these circumstances, 97.1 percent reported a policy of collecting descriptive information, 86 percent collect contact data with the arresting agency, 87.9 percent collect prior arrest data, 75.8 percent collect prior social service referral information, 72.5 percent collect data on prior court referrals, 60.9 percent collect photographs, and 45.9 percent collect fingerprints.

As Figure 5 shows, felony arrests produce the most extensive data collection policies among the respondents. In these circumstances, 97.1 percent collect descriptive information, 91.3 percent collect previous arrest data, 87 percent collect prior contact data with that agency, 79.7 percent collect social service referral data, and 78.3 percent collect court disposition data. In a rather dramatic departure from the less serious circumstances, 77.8 percent of the respondents collect fingerprints in these felony situations, and 84.1 percent collect photographs.

The agencies were asked about what type of data could be used as a sole search item in their juvenile files. In other words, if police had no other information, what item could be used by itself to identify a specific juvenile from that agency's record system. Agencies responded rather consistently that the juvenile's name is generally the only information that could serve this purpose: 84.5 percent of the agencies felt that they could access the records using the name only (*see Figure 7*). In contrast, only 28 percent felt that the juvenile's photograph could be used by itself as a search item, 11.1 percent responded that they could use fingerprints, and 8.7 percent could utilize an address only.

Respondents were also asked about which staff at their agencies were allowed access to the juvenile files (*see Figure 8*). Not surprisingly, 92.8 percent of the respondents allowed access to their full-time juvenile officers. Only 34.8 percent allowed their part-time juvenile officers to access those files. The group with the second highest degree of access was detectives, for whom 68.1 percent of the agencies allowed access. Supervisory officers were allowed access in only 41.5 percent of the agencies polled. Patrol officers had access in 28.5 percent of the agencies, and non-sworn staff in 21.3 percent of the agencies.

The survey also questioned agencies about how juvenile record information is exchanged. Respondents were asked about which other juvenile justice agencies they release juvenile records to without a court order (*see Figure 9*). Other police agencies, state's attorneys, and probation departments ranked rather high in this area: 85.5 percent of the respondents indicated that they would release juvenile records to other police agencies without a court order; 94.2 percent said they would release these records to state's attorneys; and 86 percent said that they would release juvenile records to probation departments without a court order. About 43.5 percent said they would release records to social service agencies. Although this was not as high a percentage as for law enforcement agencies, it still should be regarded as rather high in light of statutory limitations on exchanging juvenile records. Only 35.7 percent indicated that they release juvenile records to correctional agencies. This percentage may be an indication of lower relative demand, rather than an unwillingness by the police agencies.

Respondents were asked to detail the circumstances in which they would release information to various juvenile justice agencies. When releasing juvenile record information to other police agencies, 83.6 percent said they would do so in a felony investigation, 62.3

percent would in a misdemeanor investigation, 44.9 percent would in a situation involving a minor requiring authoritative intervention, and 34.3 would release the information if it was only in conjunction with a contact interview (*see Figure 10*). Once again, the willingness to disseminate seems linked to the perceived seriousness of the circumstances.

In releasing juvenile record information to state's attorneys (*see Figure 11*), there was a different pattern. Information was very likely to be released for felony investigations or prosecutions (91.3 percent of the respondents said they would). It was also likely to be released in misdemeanor investigations/prosecutions (84.1 percent of the polled agencies). Eighty-six percent of the respondents indicated that they would release the information in a situation where a juvenile was being tried as an adult. There was a predictable decrease for authoritative intervention proceedings (65.7 percent would release the data). Somewhat inconsistent, however, was that only 58.9 percent of the responding agencies said they would release juvenile records to the state's attorney for the prosecution of an adult (using juvenile records in the proceeding). The seriousness of this circumstance would seem to belie a more intensive police response. Once again, however, the low percentage may reflect a low number of those requests to police agencies.

Respondents were also asked about the circumstances in which they release juvenile records to probation departments (*see Figure 12*). The responses here were fairly static across various situations. Seventy-three percent of the agencies said they would release the data for juvenile preadjudications or predispositional hearings. The same percentage, 77.3, would release the information for probation violation investigations, and 71 percent would release the information for the prosecution of juveniles in adult criminal court. A slightly smaller percentage, 62.8 percent, said they would release juvenile records for investigations of minors placed in temporary detention or shelter care; 45.4 percent said they release the data for the prosecution of adults (using juvenile records in the proceedings).

Another survey item dealt with the methods the responding police agencies employed to disseminate juvenile records to other police agencies (*see Figure 13*). The most popular method of dissemination was face-to-face communication, with 86.5 percent saying that they use this method. The next most frequently used dissemination vehicle is the telephone (62.3 percent). There is a rather sharp drop-off in the frequency of other dissemination methods. Forty-four percent said they disseminate juvenile record information in written form, 17.4 percent said they use a computerized communication, and only 2.9 percent use the police radio. The patterns of response seem to show that most agencies use communication media that offer the most privacy. Furthermore, it is likely that police used more informal means of communication because of the conflicting laws on dissemination of such information in a formal manner.

Police agencies were asked about the frequency with which they request, and receive requests for, juvenile record information. Respondents claimed to make anywhere from zero to 260 requests per month, with a median of 3.3 requests per month. Similarly, the number of requests received by the respondents ranged from zero to 104, with a median of 2.1 requests per month.

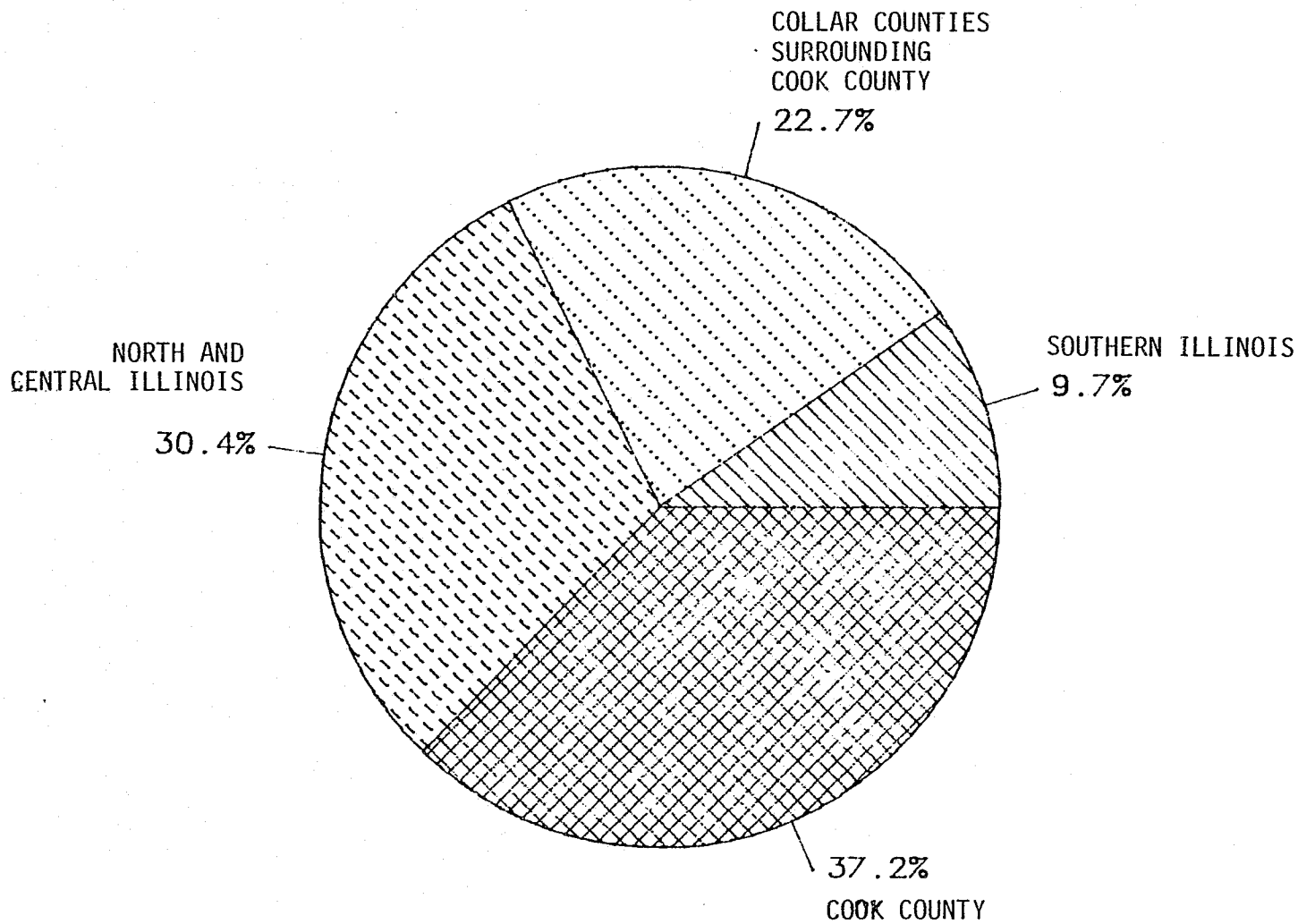
Finally, the survey attempted to solicit from the respondents their satisfaction or dissatisfaction with their present juvenile records management system. Although 62.8 percent felt that they had an adequate juvenile record keeping method, and only 17.9 percent felt that a revised internal system would make any difference, almost half (49.3 percent) expressed a desire for some type of coordinated system with other agencies. There was little consensus, however, on what the characteristics of such a system should be: 22.7 percent of all respondents favored a countywide system, 21.3 percent favored a regional system, and 26.1 percent favored a Statewide system.

As to which other juvenile justice agencies might be included in a coordinated juvenile records system, there was further disagreement. However, certain patterns did become apparent. Almost 78 percent of all respondents felt that a coordinated system should include municipal police departments, and 76.8 percent said that sheriffs' departments should be included. There was also some popular support for including state's attorneys (64.3 percent) and courts/probation departments (67.6 percent). Almost 46 percent of the responding police agencies felt that correctional agencies would be needed in such a system, and 41.5 percent favored participation by social service agencies.

The following pages contain Figures 2-13, which summarize the findings of the law enforcement survey.

207 law enforcement agencies* throughout the State were surveyed about their juvenile justice information policies

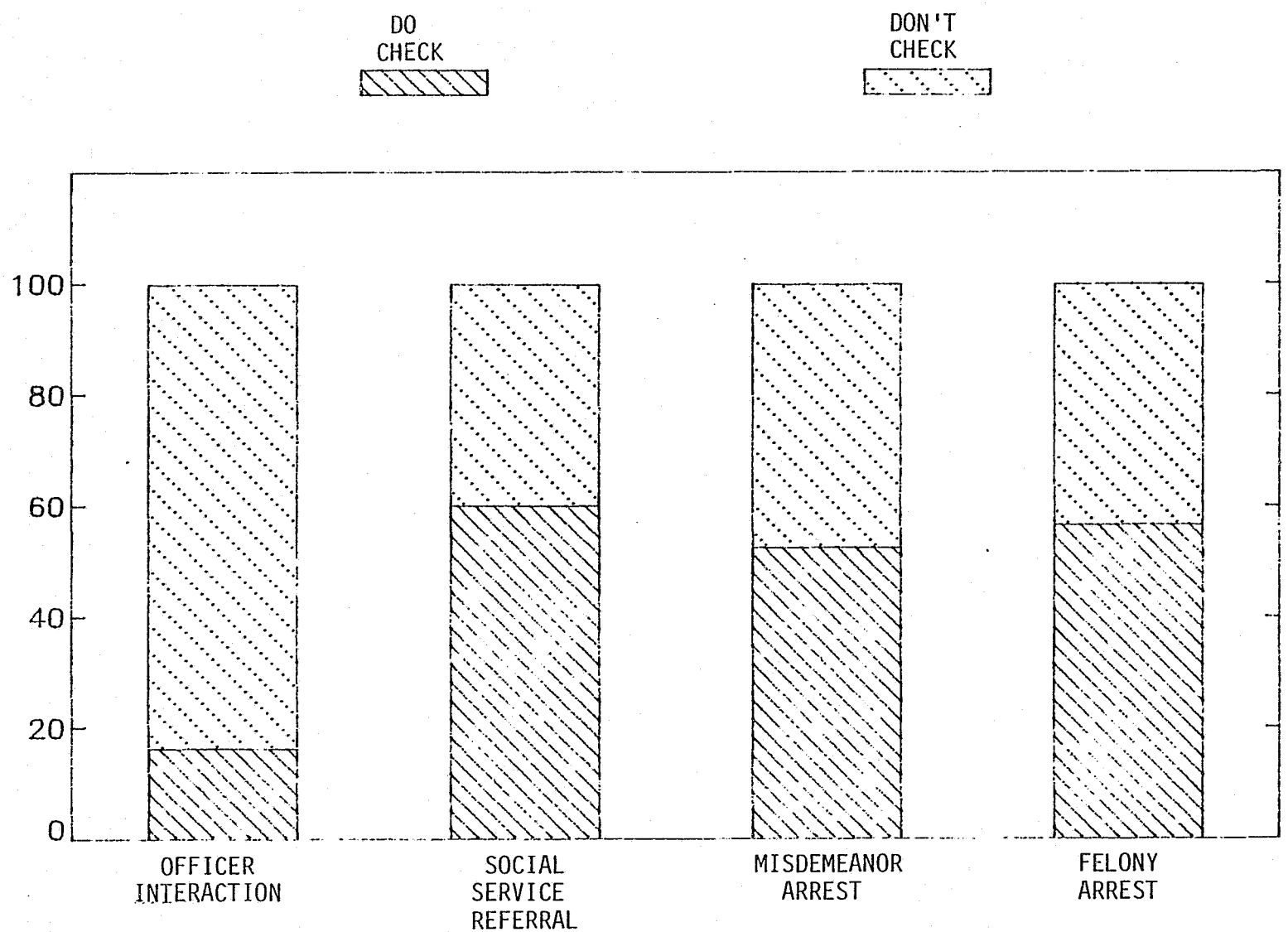
Figure 2: The distribution of law enforcement agencies responding to the Authority's juvenile offender information survey



*"Law enforcement agencies" refer to municipal police departments and county sheriffs' offices.

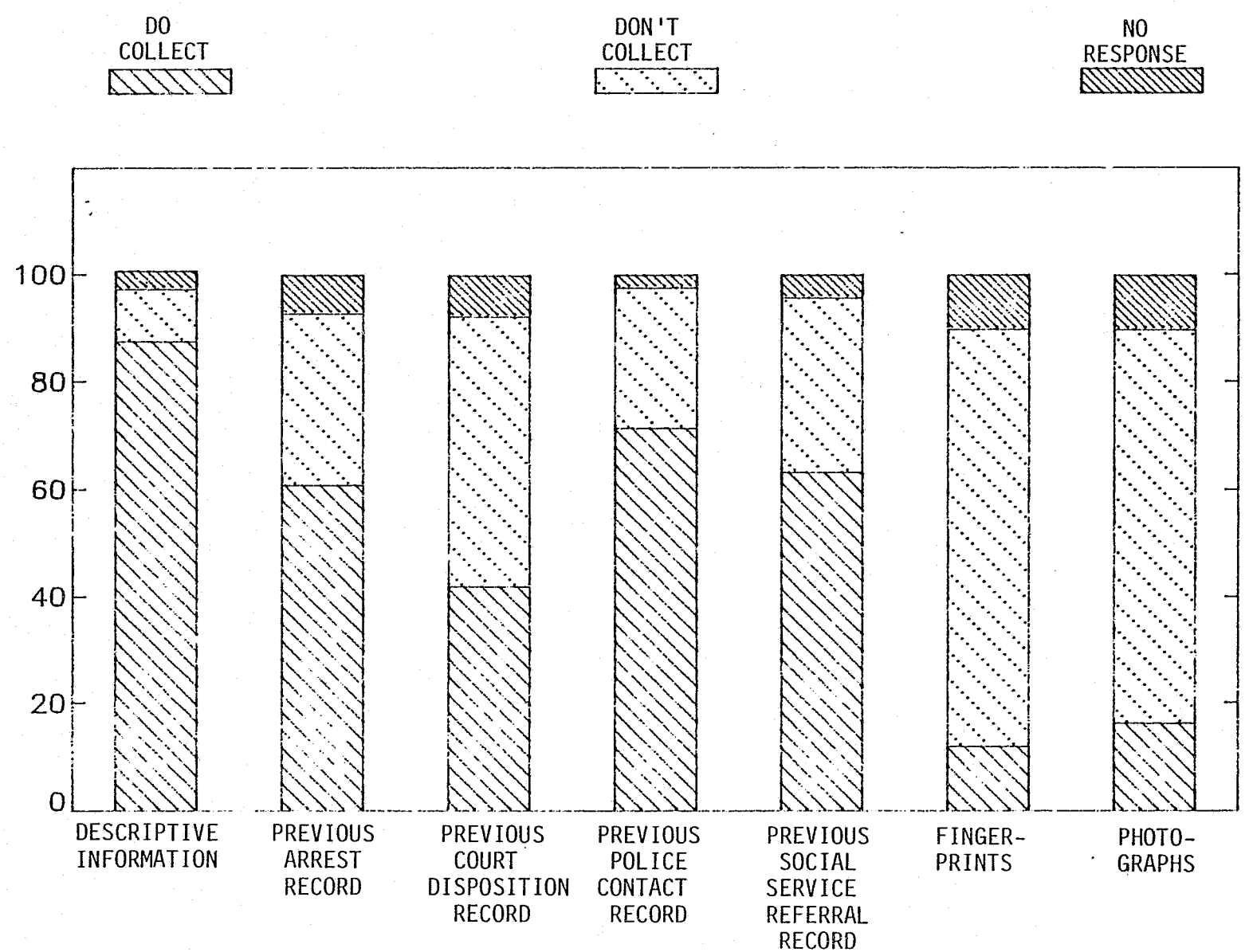
Police are more likely to check a juvenile's prior record when the situation is more serious than a "contact only" interaction

Figure 3: Percentage of law enforcement agencies that check a juvenile's prior record in various situations



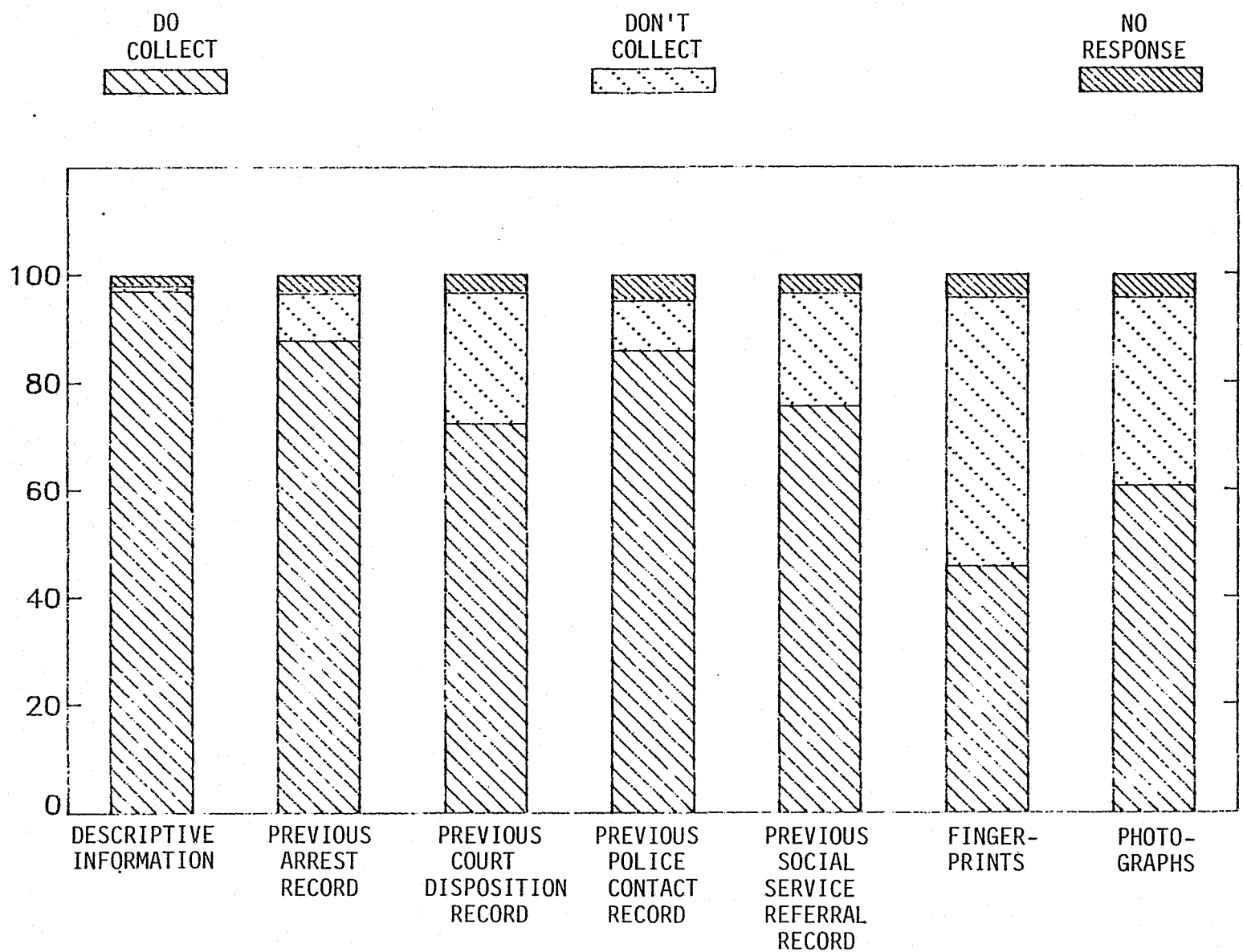
In a "contact only" situation, police sometimes collect information about a juvenile's previous record, but seldom do they take the juvenile's fingerprints or photograph

Figure 4: Percentage of law enforcement agencies that collect various types of information in a juvenile "contact only" situation



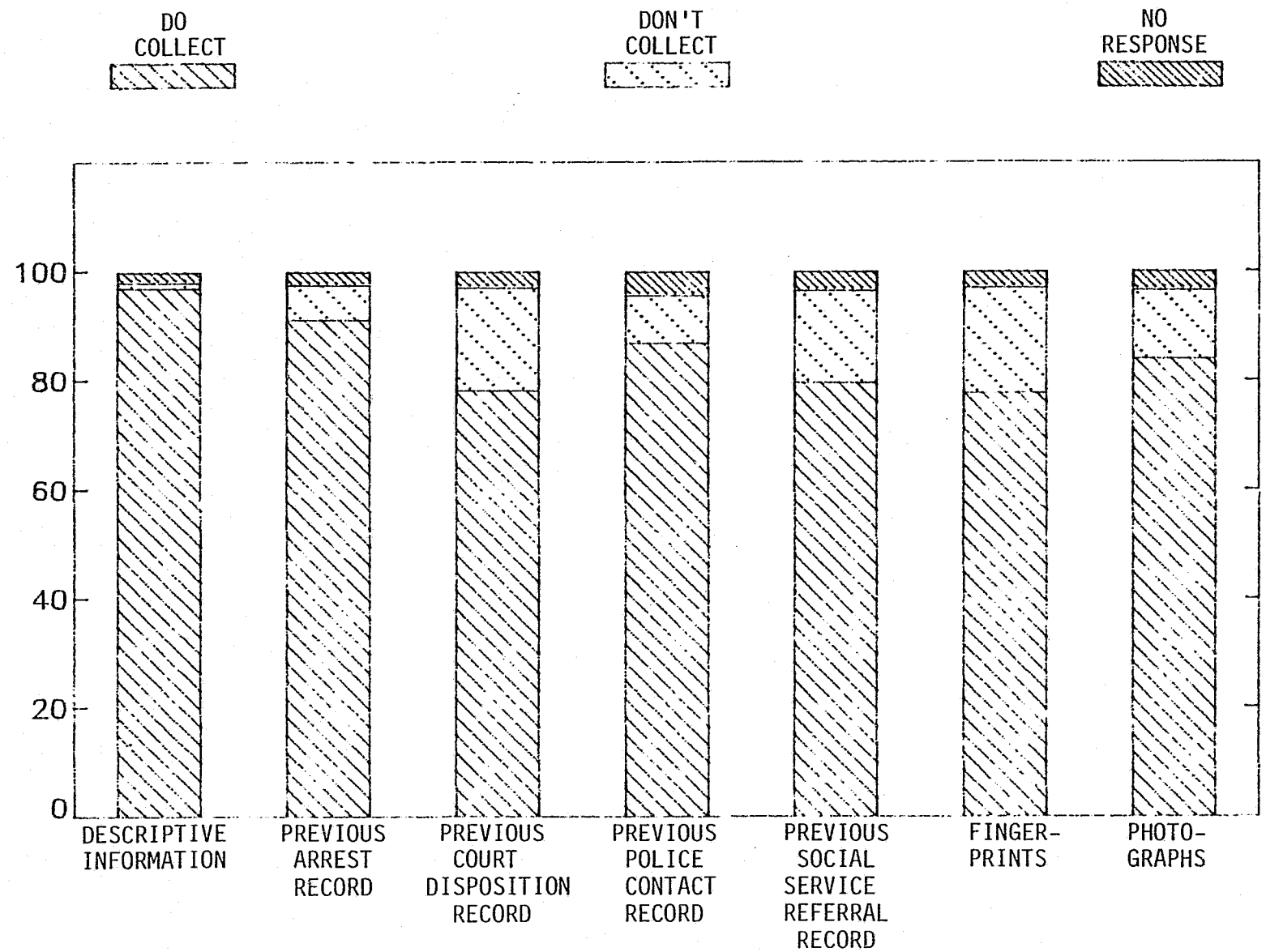
In a misdemeanor situation, police often collect information about a juvenile's previous record, and they also may take fingerprints and photographs

Figure 5: Percentage of law enforcement agencies that collect various types of information in a juvenile misdemeanor situation



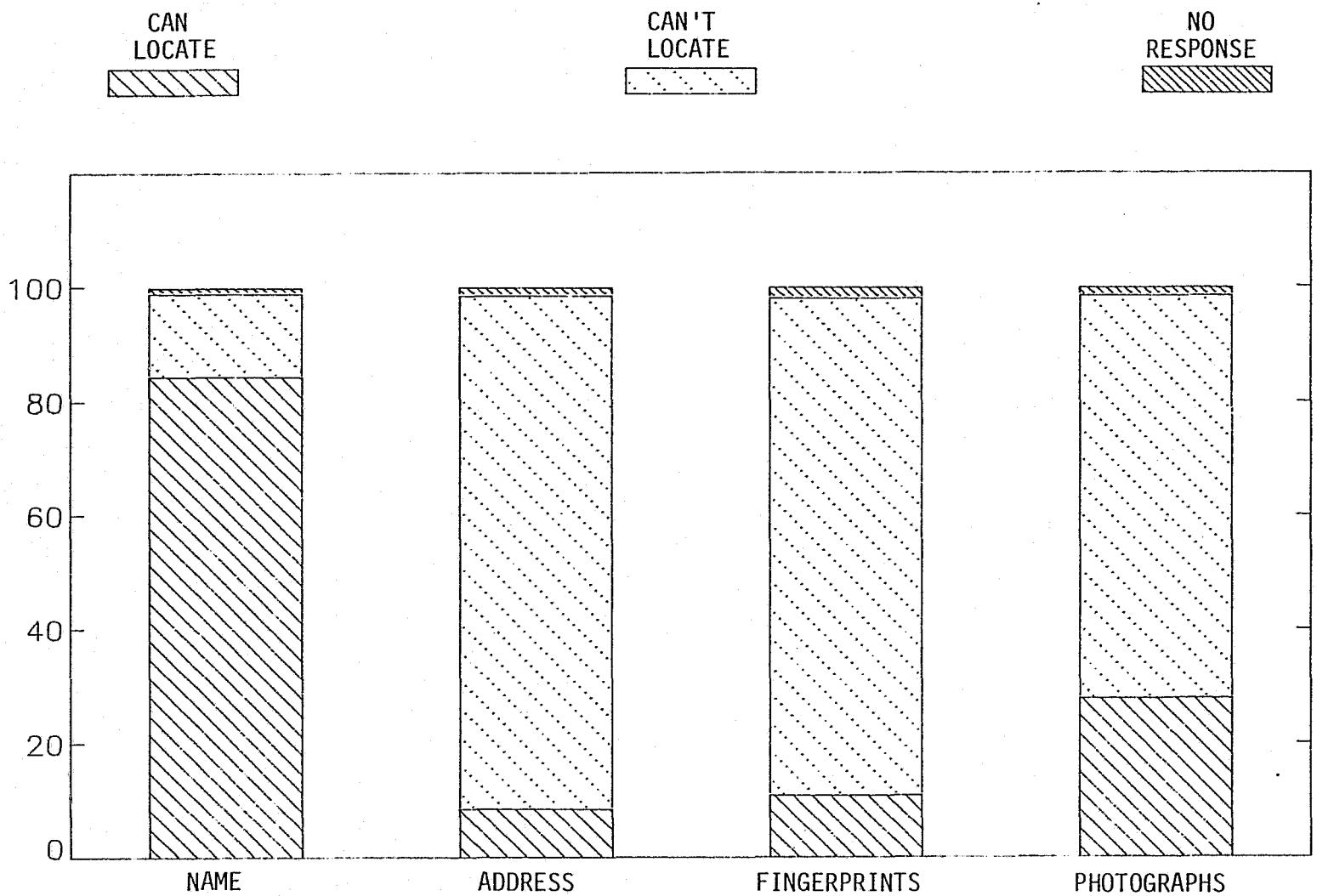
In a felony situation, police almost always gather information about a juvenile's previous record, and they frequently collect fingerprints and photographs as well

Figure 6: Percentage of law enforcement agencies that collect various types of information in a juvenile felony situation



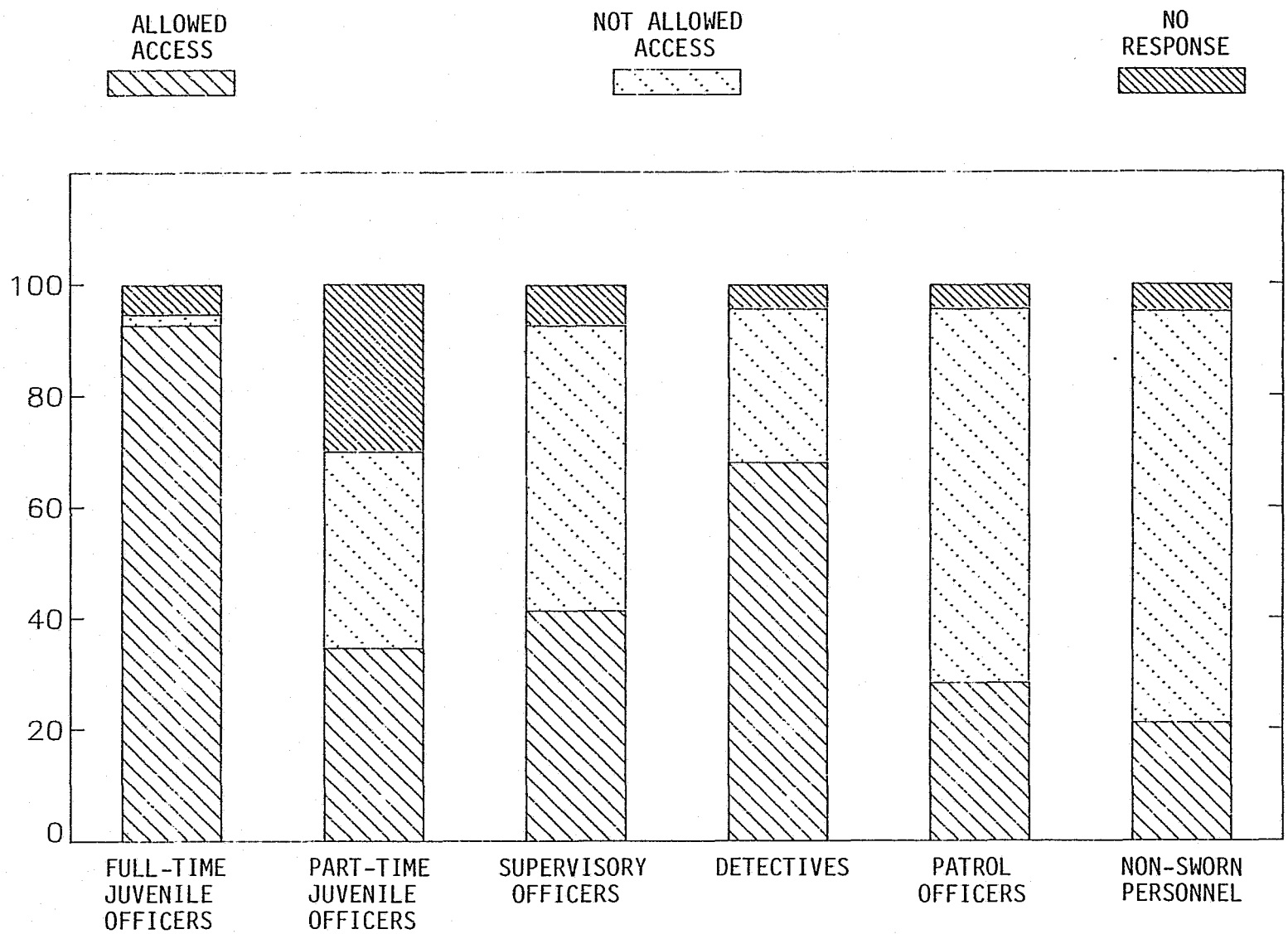
A name is usually the only piece of information police can use when searching for a juvenile's record in police files

Figure 7: Percentage of law enforcement agencies that can locate a juvenile's record using various search criteria



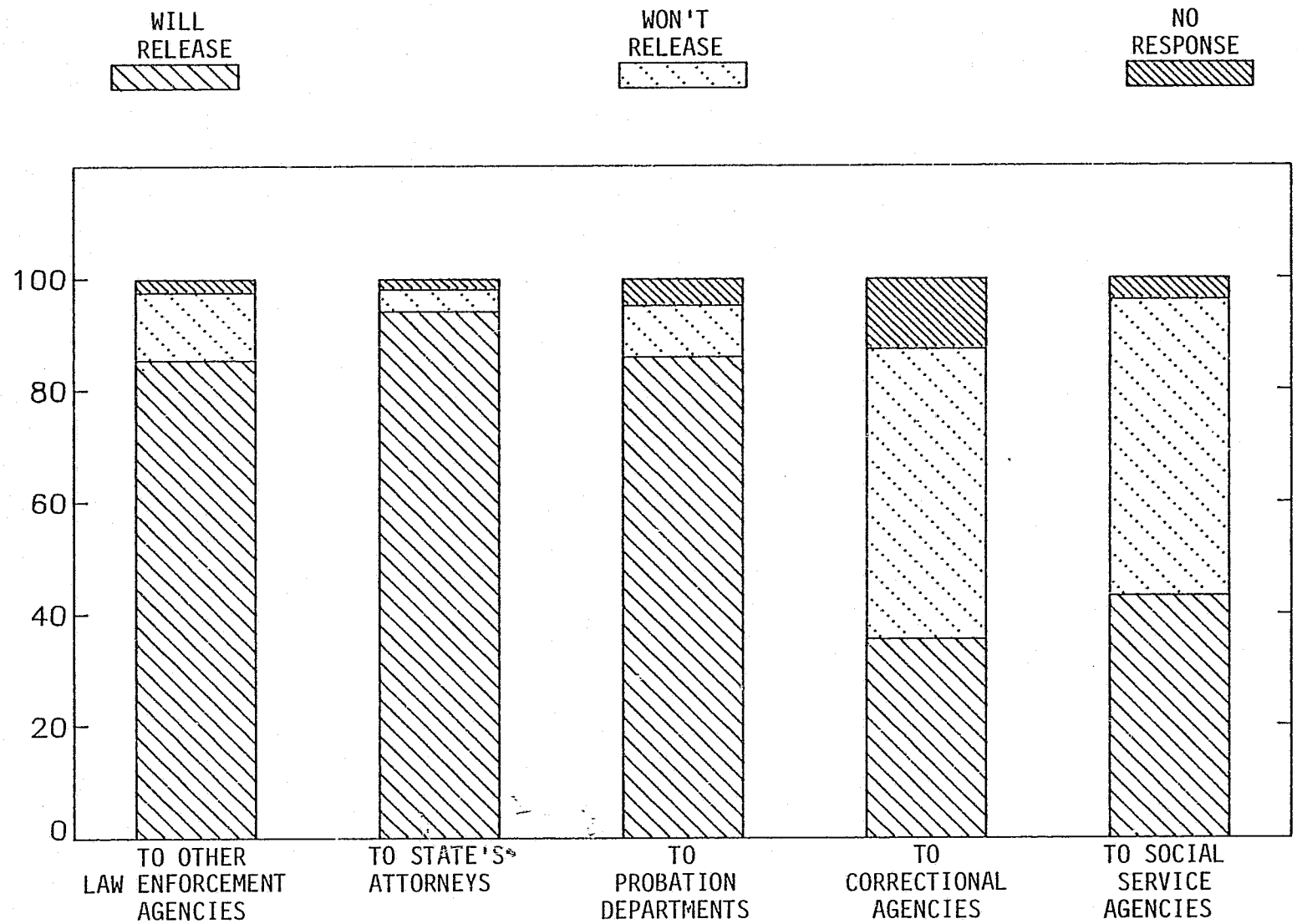
Access to police juvenile records is almost always granted to full-time juvenile officers, but is given less frequently to other law enforcement personnel

Figure 8: Percentage of law enforcement agencies that allow various types of personnel within their agencies to access juvenile records



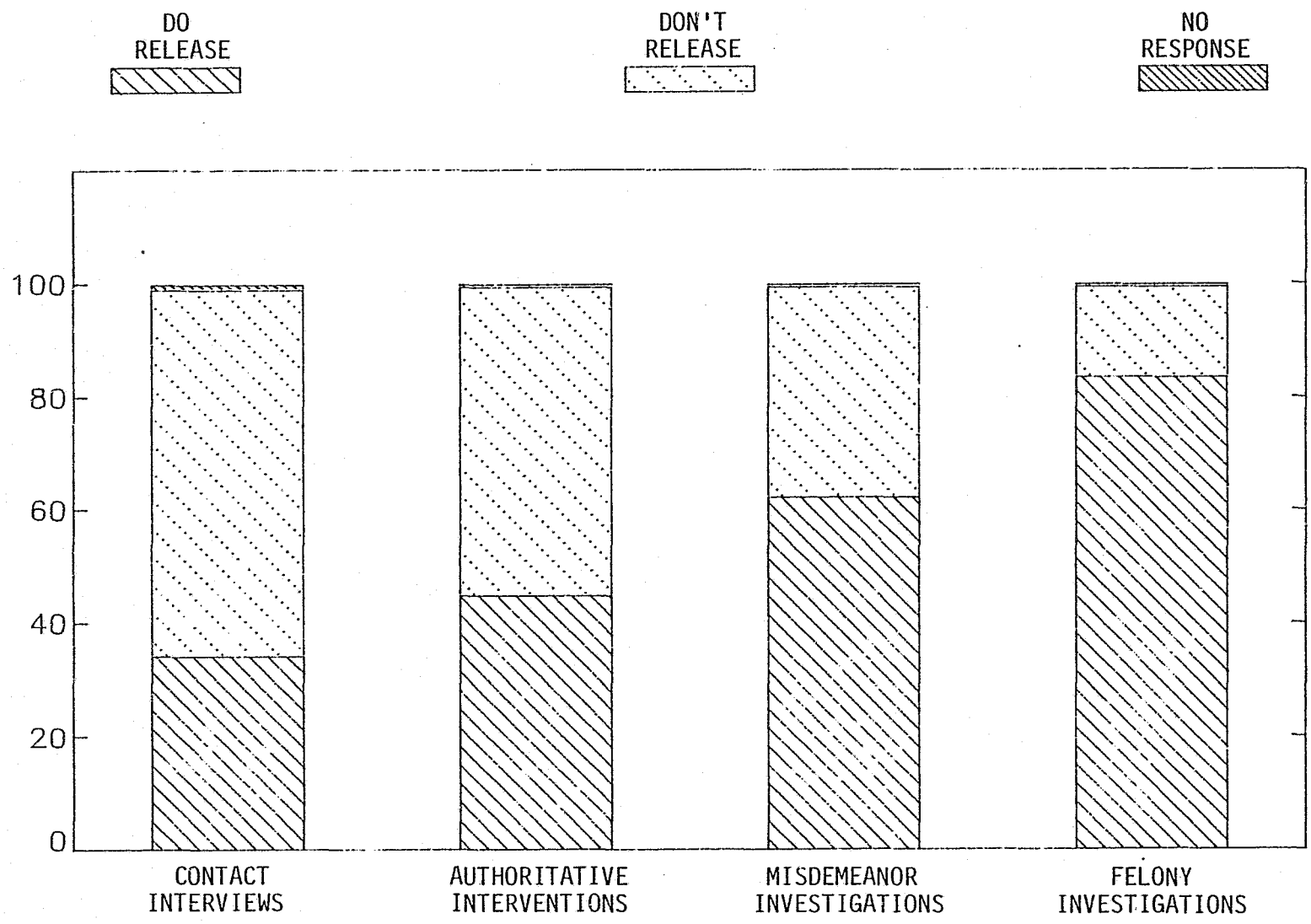
Social service and correctional agencies are frequently denied access to police juvenile records

Figure 9: Percentage of law enforcement agencies that release juvenile records to various other types of agencies without a court order



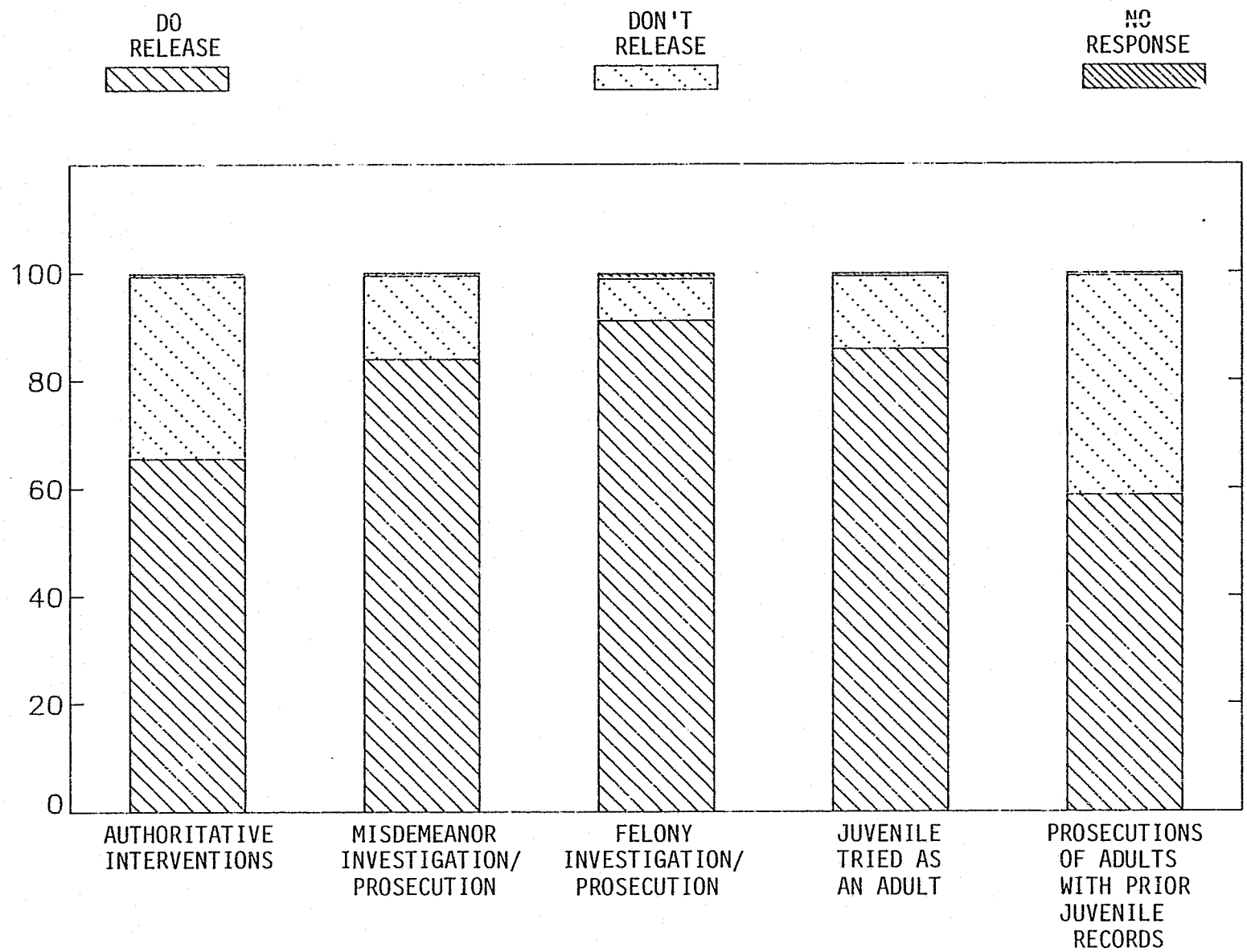
Police are more likely to release juvenile records to other law enforcement agencies when the situation is serious

Figure 10: Percentage of law enforcement agencies that release juvenile records to other law enforcement agencies under various circumstances



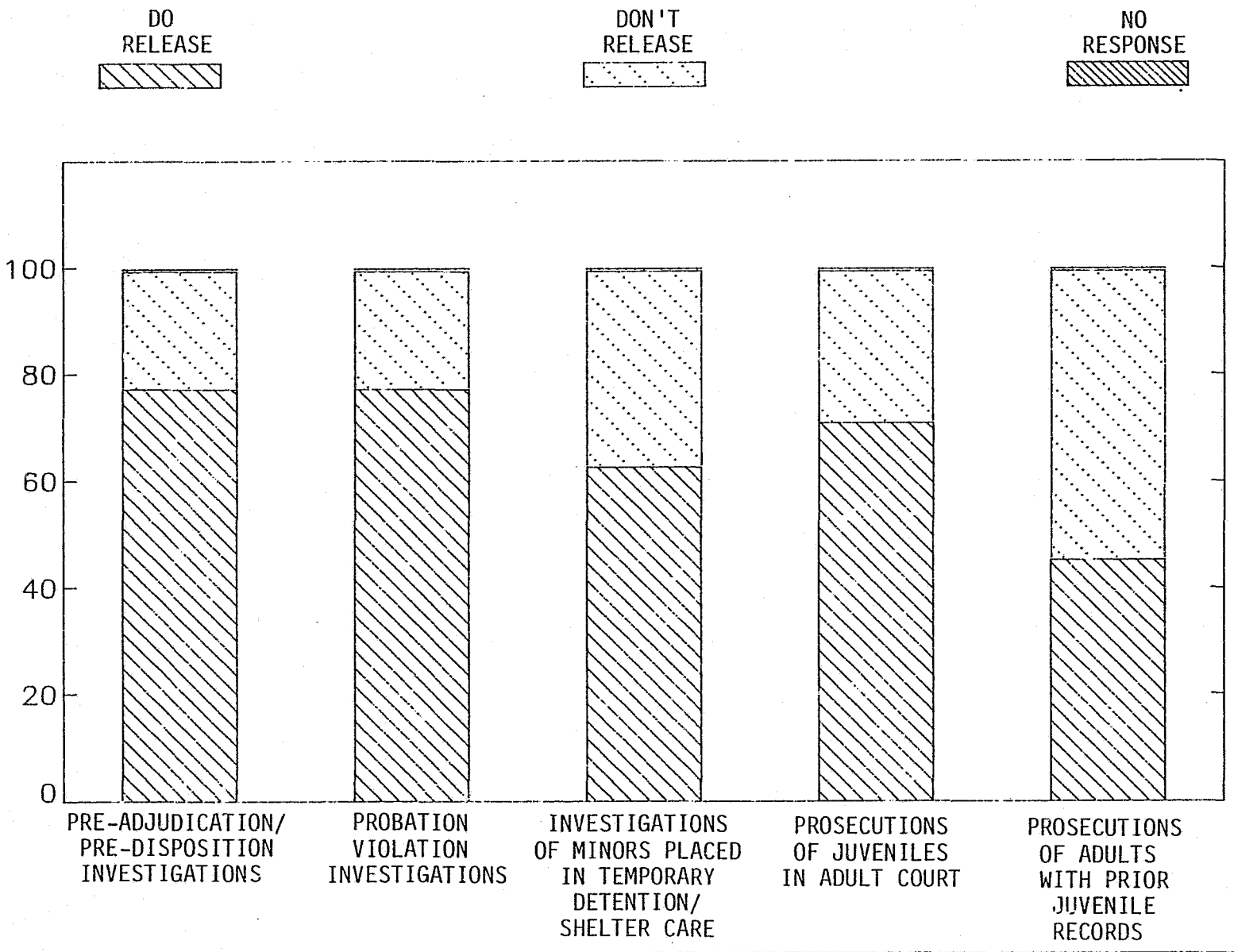
Police frequently release juvenile records to state's attorneys, regardless of the circumstances of the situation

Figure 11: Percentage of law enforcement agencies that release juvenile records to state's attorneys under various circumstances



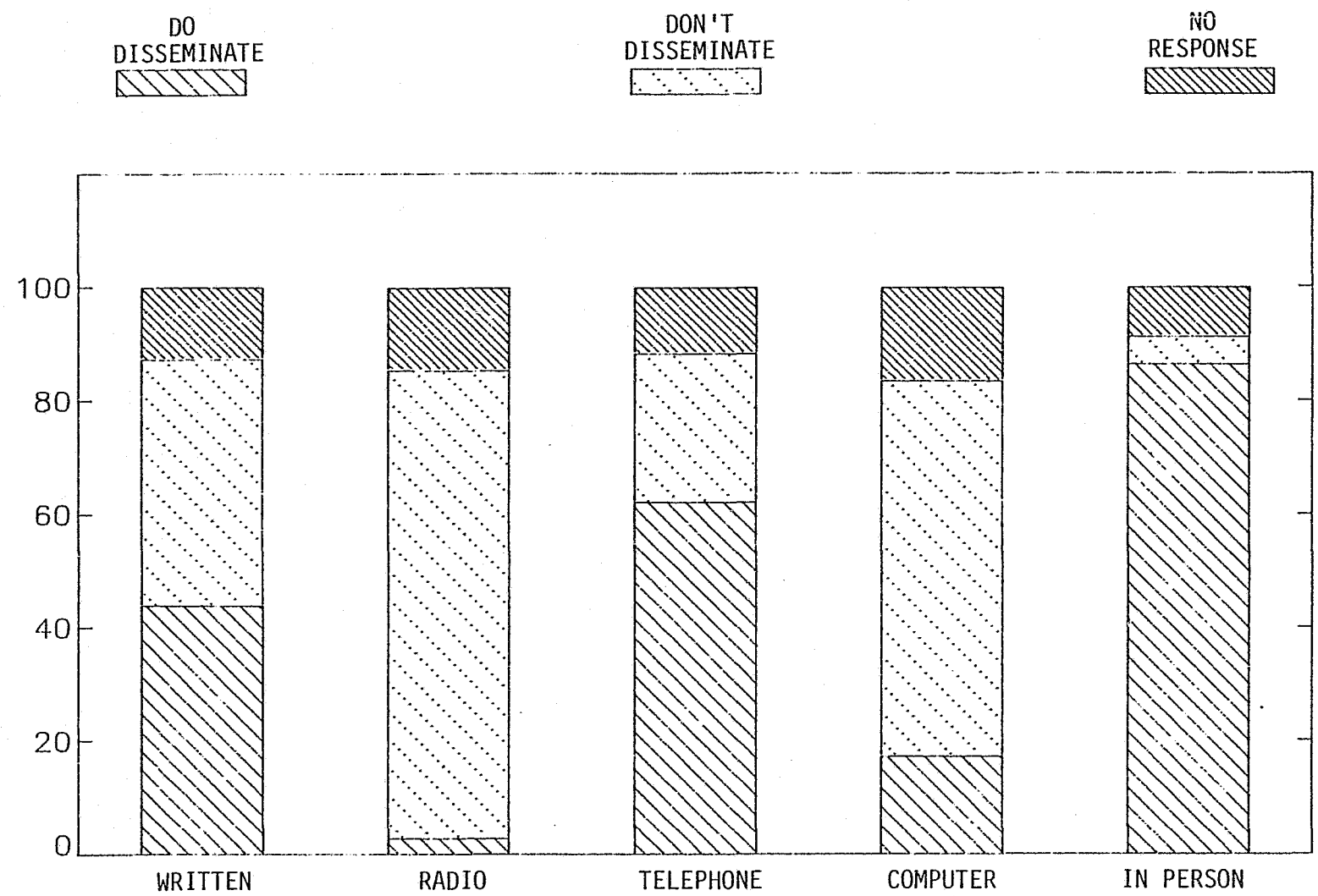
Police generally release juvenile records to probation departments in most situations

Figure 12: Percentage of law enforcement agencies that release juvenile records to probation departments under various circumstances



Police usually disseminate juvenile record information to other law enforcement agencies either in person or by telephone

Figure 13: Percentage of law enforcement agencies that disseminate juvenile record data to other law enforcement agencies using various methods



Appendix C: Project Methodology

To successfully complete this study of juvenile justice information policies in Illinois, it was critical to develop a logical and detailed project methodology. This appendix describes how this methodology was developed and structured.

The study was initially divided into three major phases: 1) identify existing policy problems, 2) analyze existing policy problems, and 3) identify policy alternatives. Each project phase included several tasks. The following narrative explains the rationale behind the three phases and the types of activities carried out in each phase.

Phase 1: Identify Existing Policy Problems

The Authority determined that several initial steps had to be taken to give project staff a full understanding of current information policies and practices throughout the State, and any problems related to those policies. This phase of the project was directed toward collecting, reviewing, and analyzing a variety of information from the many component agencies within the juvenile justice system in Illinois. The following major phase activities were carried out:

- Interviews with juvenile justice officials.
- Review of current legislation and statutes.
- Review of current juvenile agency information policies.
- Public hearings in juvenile information policy.
- Survey of local law enforcement agencies' information needs.
- Symposium of juvenile justice professionals.

Each of these steps, once completed, enhanced staff understanding of current information policies, and began to clarify those problems viewed as significant by a consensus of juvenile justice professionals.

Interviews with Juvenile Justice Officials

Interviews, either through personal contact, telephone, or via the policy symposium held at the Authority, allowed staff to gather information from the following agencies:

- Department of State Police/Juvenile Division.
- Department of Children and Family Services.
- Illinois Guardianship and Advocacy Commission.
- Peoria Police Department/Juvenile Division.
- Circuit Court of Cook County/Juvenile Division.
- Lake County Juvenile Probation/Court Services.
- Public Defender's Office/Cook County.
- Chicago Police Department/Youth Division.
- Private Attorneys/Juvenile Specialization.
- Kenosha County (Wis.) Juvenile Intake.
- Juvenile Court Administration (Utah).
- National Center for Juvenile Justice.

Discussions with these agencies allowed project staff to confirm many of the original problem assumptions, and to sort out those issues deemed to be less problematic. Most

importantly, contact with these agencies permitted staff to understand which information problems were specific to only one juvenile agency, and which crossed agency lines and were systemwide in nature.

Review of Current Legislation and Statutes

The review of legal issues, both national and State, that apply to juvenile justice information provided staff with pertinent information on those legal and statutory regulations that must be considered when any suggested policy change is considered. Those primary statutes included:

- Crime Control Act of 1973.
- Juvenile Justice and Delinquency Prevention Act of 1974.
- Youth Corrections Act, as amended, 1978.
- Department of Children and Family Services Act (Ill.), 1983.
- Mental Health Code (Ill.), 1963.
- Juvenile Court Act (Ill.) as amended, 1977.
- Child Care Act (Ill.), 1963.
- Public Act 80-1300 (Ill.).

Review and analysis of the pertinent sections of these laws provided staff with an understanding of the prevailing philosophy of national and State government with regard to juvenile justice information policies.

Review of Current Juvenile Agency Information Policies

In addition to statutory review, staff also collected and analyzed information on national and State policy statements regarding juvenile justice overall and juvenile justice information policies in particular. Those standards included:

- National Correctional Policy on Correctional Information (American Correctional Association).
- Standards for the Administration of Juvenile Justice (National Advisory Committee/JJDP).
- Guides for Juvenile Court Judges (Advisory Council of Judges/NCCD/NCJCJ).
- Model Rules for Juvenile Courts (National Council on Crime and Delinquency).
- The Juvenile Court and Serious Offenders (National Council of Juvenile and Family Court Judges).
- Police Juvenile Standards (Police Juvenile Standards Project/Cook County).

Review of these and other standards documents provided a framework of current concepts in juvenile justice administrative philosophy nationally, and operational procedures within Illinois.

Public Hearings

Public hearing were held at four sites in Illinois to collect data on information policies from the perspective of individuals working on a day-to-day basis under existing policies and practices. These hearings were held in Springfield, on Feb. 27, 1985; Des Plaines, March 20; Markham, April 10; and Belleville, May 1.

Witnesses at these public hearings included police officers, state's attorneys, sheriffs, court personnel, probation officers, social service staff, and other individuals involved in the juvenile justice system. Invitations to each hearing were limited to those juvenile justice officials within geographical proximity to the hearing site, to ensure that various regions of the State were represented properly.

Survey of Local Law Enforcement Agencies

Since many of the original indications of problems with juvenile justice information policies originated within law enforcement agencies, the Authority decided that a formal survey of departments throughout the State would be valuable. Thus, a survey of information needs and existing problems was distributed to 300 agencies Statewide. More than 200 agencies responded, yielding a significant amount of data on information policy from the law enforcement perspective.

The above series of data collection activities were successfully undertaken during the first phase of the project. The resulting information was then synthesized into a comprehensive database. Creation of this database allowed staff to begin the process of evaluating the quality of current policies and identifying potential solutions.

Phase 2. Analyze Existing Policy Problems

Once information policy problems had been accurately identified, the study focused on analyzing those identified problems. This problem analysis came from a variety of sources, including:

- The opinions of Illinois juvenile justice officials.
- Review of exemplary policies in other states.
- Review of exemplary national policies.
- Concepts developed at the Authority symposium.

The major thrust of this project phase was to synthesize all of the information developed on existing policies and related problems, and determine where there was consensus among a variety of sources regarding a need to improve those policies. The opinions of Illinois juvenile justice and adult system officials were considered extremely important by the project team, since those who work day-to-day with information typically have a clearer insight as to the best methods to improve policy.

Phase 3. Identify Policy Alternatives

The goals of this phase were threefold:

1. Final Problem Statement. A brief and concise summary of all information policy problems, and the various levels and components of the juvenile justice system at which those problems occur.

2. Analysis of Problems with Existing Policies. A critical analysis of the identified problems with current juvenile justice information policies, and an analysis of ways to improve information policy as it currently exists in the juvenile system.

3. Identification of Alternative Policies. The identification of those policy alternatives that could potentially improve existing juvenile justice information policies. These alternatives are presented only where a consensus exists regarding

problems with existing policies, and also where an alternative policy has been analyzed and found to be worthy of further consideration.

This methodology was closely adhered to during the project, and has contributed significantly to the successful completion of the study. While the scope of issues and agencies involved in studying juvenile justice information policies is quite broad, the Authority feels that this methodology has focused attention appropriately on the most important issues. Furthermore, this approach has allowed the Authority to clearly define existing problems, analyze them sufficiently to assess need for policy revision, and identify policies for further consideration, where appropriate.