

Restore Justice Foundation

Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/statement-on-dropped-charges-in-lake-county-felony-murder-case/>

Public Facing Advocacy Writing

Restore Justice thanks Lake County States Attorney Nerheim for engaging with community members, hearing a variety of viewpoints, and ultimately dropping felony-murder charges against Curtis Dawson, Kendrick Cooper, and Diamond, Steven, and Stacy Davis. The teens have been held for a month, charged with the murder of their 14-year-old friend Jaquan Swopes despite none of them having pulled the trigger.

We also applaud Mr. Nerheim and his team for taking the time to carefully review the case following their initial charging decision. We believe that nuanced, individual consideration of cases will strengthen our justice system and enhance community safety. We share the same goal: balancing safety and justice for the good of all our community members.

That said, the felony-murder rule remains codified in Illinois law as an option based on the logic that it can be used as a deterrent to violence. In his August press conference, Mr. Nerheim cited deterrence as one of the reasons for filing the extreme charges.

But the evidence does not support the use of extreme charges as a method of reducing criminal activity, especially among youth. The Office of Juvenile Justice and Delinquency Prevention released a [report about deterrence among adolescents](#) in 2015. Researchers found no meaningful deterrence when youth received more severe punishments, including longer stays in prison. In fact, people sentenced to probation, as opposed to incarceration, had *lower* rates of recidivism. The youth removed from their communities and placed in prison were more likely to commit additional crimes.

Another study published in the [Journal of Law and Criminology](#) in 2006 found that laws allowing prosecutors to move kids into adult courts for crimes such as felony-murder did not deter crime. The team reviewed three studies, from three different states, and found no drop in juvenile crime rates after the enactment of such laws.

Illinois has one of the broadest statutes in the country. While some states have no felony-murder statute, most only allow people to be charged for deaths they or their co-defendants cause. Illinois is one of just 18 states that allows people, including children, to be charged for *any* deaths that occur in the commission or attempted commission of the underlying crime, including deaths of co-defendants, as is the case in Lake County.

There is simply no reason for our state to continue to utilize a tool that is not only unproven as a deterrent, but that may cause more harm. The youth in the Lake County case have already experienced several consequences of their actions, not the least of which is the death of their young friend. They will face many more in the weeks to come. For Diamond Davis, who is technically an adult at age 18, those consequences may prevent her from accessing some of the very programs and services that are most likely to prevent future criminal activity, such as obtaining a good job and stable housing.

As a community, we seek to reduce the suffering and harm caused by both crime and by outdated methods of seeking to control crime. We hope that healing can begin for all parties in this case.

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Restore Justice advocates for fairness, humanity, and compassion throughout the Illinois criminal justice system, with a primary focus on those affected by extreme sentences imposed on our youth. We create and support policies that allow those who are rehabilitated to go home, and that ensure those incarcerated, their families, and victim families have opportunities for healing and justice. We engage currently and formerly incarcerated individuals and their families, victims and their families, communities and concerned Illinoisans in advocacy and service within the criminal justice system.

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