

Restore Justice Foundation

Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/restore-justice-statement-on-diamond-davis-sentence/>

Public Facing Advocacy Writing

We remain grateful States Attorney Nerheim dropped felony-murder charges against the five young people involved in this Lake County case.

With that said, we must strike down the provisions of Illinois law that allowed for these charges in the first place. Our states overly broad felony-murder statute allows prosecutors to charge children and young adults with murder even when they didn't commit or even plan to commit one. People can be charged and convicted of murders that were caused by a third-party, as was the case in Lake County. This statute is often used to bully people into accepting plea deals that still result in overly long periods of incarceration.

We are also deeply troubled that just a few months in age has resulted in dramatically different outcomes for Diamond and her 17-year-old brothers. Brain science has proven those few months don't make an 18-year-old significantly more mature. The brain continues forming into a person's mid-20s, and the part of the brain that assesses risk is the last to fully develop.

While juvenile facilities are better able to address teenagers' unique needs, Diamond will now serve time in an adult facility without adequate access to education and support services.

What may seem like a short sentence to some is, in reality, condemning her to a lifetime of collateral consequences. We find that most young girls in our justice system are there due to trauma and situations in early life that they did not choose. We can and must do better, as a state and a nation, to address trauma in women and girls earlier, with intention and ideally before it ever reaches a moment like this, said Women's Justice Institute Co-Founder Deanne Benos.

This case illustrates the need for Illinois to not only address its outdated felony murder statute, but also to raise the age of automatic transfers of kids to adult court. All five of these children were almost tried in adult court, including a 16-year-old. Once in adult court, children face more punitive sentencing conventions and no longer benefit from age-appropriate, reintegration-focused treatment.

In Illinois, certain offenses result in an automatic transfer to adult court. Once charged, juveniles have no legal mechanism to prevent or contest their transfer. Once a juvenile is charged in adult court, they can never return to the juvenile system, even if they are exonerated of all charges. They sometimes even receive adult sentences for reduced charges that would not have been grounds for transfer.

Now is the time to make Illinois a more compassionate, just state. It's our responsibility to protect children and young adults and allow them to access the avenues that will ensure rehabilitation. It's the right thing for these young people, for their loved ones, and for our communities. Join Restore Justice in the effort to amend Illinois felony-murder law, keep children in the juvenile justice system, and ensure our young people are given the opportunity to rehabilitate and successfully reintegrate into their communities.

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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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