



WHERE TO PLACE JUVENILE OFFENDERS:  
CONFINEMENT OR DIVERSION

A Module for Democracy/Civic Mission  
Classrooms

Constitutional Rights Foundation Chicago  
407 South Dearborn, Suite 1700  
Chicago, Illinois 60605-1119  
<http://www.crfc.org> ♦ [crfc@crfc.org](mailto:crfc@crfc.org)

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# Where to Place Juvenile Offenders: Confinement or Diversion

## Overview

In recent years, states have reacted with different programs to treat juvenile offenders. In response to public demand, some states have turned away from the traditional model of rehabilitation to one of punishment and have passed laws that curb the discretion of judges in sentencing and mandating long periods of detention. Other states, keeping rehabilitation as a model, have tried to institute more community programs. Such “diversion” programs place juveniles in a variety of programs in order to help rehabilitate them and return them to productive lives in their communities. In Illinois, “Redeploy Illinois” is an example of one kind of diversion program. Redeploy Illinois enables Illinois counties to redirect juvenile offenders who are not guilty of a Class X forcible felony from the Illinois Department state-run confined facilities to community-based treatment and counseling programs. The program allows counties to get money for placing their juvenile offenders in these community-based programs rather than into state incarceration. Funds to run the program would come from the money saved by the Department of Corrections, which would otherwise need to house the offending youth.

This unit will provide background on diversion programs in juvenile justice. It explores how these programs work using examples of programs from Illinois and other states. It explores the choices these programs require of adults and youth as well as the costs and benefits of these kinds of programs. It also offers a way for students to consider whether their county should participate in the “Redeploy Illinois” program.

## Focus Question

§ Should Illinois divert state prison funds to develop local alternative programming for youthful offenders who otherwise would be held in confinement?

## Objectives

- < Provide a historical and public policy context for juvenile confinement and diversion programs.
- < Generate a working definition of public policy, supply tools for analyzing policy in order to form an educated decision, and promote recognition of the impact of public policy and how to affect policy decisions.

## Materials

A: Where to Place Juvenile Offenders: Confinement or Diversion?

B: Activity: Where to Place Juvenile Offenders: Two Models

C: Handout: Two Models for Juvenile Offenders

D: Strategy: Looking at Public Policy: G R A D E

E: Source: Redeploy Illinois, Public Act 93-0641 (Excerpts)

F: Activity: Town Hall Meeting on Redeploy Illinois

G: Where to Place Juvenile Offenders: Questions for Review

H: Taking a Stand: Position Paper on Where to Place Juvenile Offenders

Where to Place Juvenile Offenders: Selected Community, Print and Internet Resources

## A: Where to Place Juvenile Offenders: Confinement or Diversion?

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### Problems with Locking Up Juveniles

In May 1982, Christopher Peterman, 17, found himself in the juvenile section of the Ada County Jail in Boise, Idaho. He had been picked up because he had failed to pay \$73 in traffic tickets. Instead of sending him to the juvenile detention center, authorities sent him to the jail to teach him a lesson. Housed with him were other juveniles sent over from the center because they were too violent or difficult to handle. Five of these juveniles attacked Christopher in his cell. For four-and-one-half hours, they took turns burning, gouging, and kicking him. Christopher died from his injuries.

Christopher's case is a horror story about what can happen when violent and non-violent juveniles are locked up together. Not surprisingly, the results of incarcerating non-violent juveniles with violent adults can be equally as tragic. Rape is a common occurrence. The suicide rate of young people in adult jail is seven times greater than those incarcerated with other juveniles. In adult institutions, young people can receive the same rough treatment meted out to adult inmates. Even if the juveniles survive physically, they are likely to carry psychological scars.

In the mid-1970s, almost 500,000 juveniles were locked up in adult jails. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act. This law stated that no state could receive federal grants unless it separated adults from juveniles in jails. Congress amended the act in 1980 mandating that adults and juveniles be kept in completely separate facilities. The act also ordered states not to hold status offenders in locked facilities. [A status offense is an illegal act when a young person does it—such as drinking alcohol, leaving home without permission, or not being in school during a normal school day—even though the same act is legal when done by an adult.]

Almost all states have removed status offenders from secure facilities. By 1986 the number of juveniles in adult jails had dropped to 60,000. But as many as 20 states had not fully complied with the law. By 1989, the number of states out of compliance had dropped to 15. Because of the law, some federal courts have let juveniles stuck in adult jails sue for damages. These lawsuits will probably force greater compliance by states.

### Options for Placing Juvenile Offenders

After finding juveniles delinquent, juvenile court judges must decide what to do with the young offenders. This is called making a disposition. As with adult court judges, they have a number of options. Judges try to choose the option that has the best chance of rehabilitating the particular delinquent youth. Depending on the jurisdiction, judges must choose among:

- § Juvenile detention centers. These are facilities where juveniles are first brought. Many await their hearing here. Others await placement following disposition. But juveniles may also be confined in these centers, usually for short terms, following a finding of delinquency.
- § Training schools. Often located in rural settings, these large, state-run institutions typically hold from 100 to 1,000 juveniles. They are meant for the most serious offenders.
- § Small, secure residential facilities. Holding only 10 to 15 juveniles and an equal number of staff, these facilities confine serious, violent offenders. They may be run by the state, but often small non-profit groups operate them.
- § Camps and ranches. Located in rural areas, these secure facilities normally accommodate about 100 juveniles. They emphasize discipline and school work. Most offer counseling.
- § Boot camps. Run like Army basic training, these camps subject juveniles to shaven heads, physical training, and strict discipline. Known as shock incarceration, boot camps take juveniles for short terms and try to shock them into changing their behavior.

- § Wilderness programs. In rigorous outdoor settings, these programs try to build self-esteem and teamwork in troubled youth.
- § Group homes. Often called halfway houses, these facilities typically house about 20 young people. Juveniles living in these homes often attend school, hold jobs, and move about the community. But they must obey house rules. Most group homes also provide counseling.
- § Substance-abuse treatment centers. These residences focus on treating drug and alcohol abuse. Like halfway houses, they normally hold about 20 juveniles. But these facilities often limit residents' contact with the community during treatment.
- § Foster homes. Screened by the state, families take juveniles into their homes. States set standards about food, clothing, and other treatment, and they limit the number of children a foster family may care for. In return, foster families receive a certain amount of money for each child's upkeep.
- § In-home placement. Under this disposition, juveniles return to their homes.

When judges choose in-home placement or foster homes, they then may have several more options to choose from:

- § Diversion to day treatment programs. These programs differ greatly. Some are all day, every day. Others meet after school or on weekends. Some replace school. Others teach about the legal system or the effects of substance abuse. Others provide supervised recreational activities. Juveniles diverted to these programs must attend for a specific length of time.
- § Intensive or highly intensive probation. Working with few juveniles, probation officers meet often with them. In intensive probation, they meet every day. In highly intensive probation, they meet several times a day.
- § Probation. Juveniles are released under fairly strict conditions. They may, for example, be required to
  - § report regularly to a probation officer;
  - § stop associating with certain friends;
  - § submit to home or body searches on request; and
  - § take a weekly urine test (if they have been detained on a drug charge).
 Juveniles who break the terms of their probation can be returned to court for an alternative disposition.
- § Summary probation. After assuring the authorities that they will not misbehave, juveniles are released under parental or adult supervision. If they break their promise, the juveniles return to court for stricter treatment and supervision.

### Which Options Do Judges Choose?

In most jurisdictions, judges do not have this vast array of choices. Thus they frequently either place juveniles on probation or send them to secure facilities, usually juvenile detention centers or training schools. Community placements and intensive probation are often not available.

Their unavailability is ironic. The juvenile justice system has always encouraged community-based treatments for young people in trouble. Such programs can often more easily adapt to the needs of individual juveniles than institutional programs. But in the late 1970s, a public backlash against community programs arose after juvenile court judges began assigning violent offenders to programs designed for non-violent offenders. Today, many communities have mixed attitudes about both the safety and the effectiveness of rehabilitating delinquents in non-institutional settings.

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from: "Juvenile Corrections," in *Criminal Justice in America*, © 2000, 1998, 1993, 1991, 1983, Constitutional Rights Foundation. Third edition. All rights reserved. Used with permission.

## B: Activity: Where to Place Juvenile Offenders: Two Models

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States have reacted with different programs to treat juvenile offenders. The urge to get tough on young lawbreakers has taken control in many states. Responding to public demand, legislators have written statutes curbing judges' discretion in sentencing and mandating long periods of detention. They have turned away from the traditional model of rehabilitation to one of punishment. Other states, keeping rehabilitation as a model, have tried to institute more community programs. The states of California and Massachusetts offer two diametrically opposed approaches.

This activity is designed to review and assess the advantages and disadvantages of each model.

### Instructions

Divide students into two groups.

Group A will assess policy Model A (California), and Group B will assess policy Model B (Massachusetts). Both policy models are on Handout C, "Two Models for Juvenile Offenders."

Each group will review their model using Handout D, "D: Looking at Public Policy: G R A D E." Briefly review the GRADE instrument and how it works.

Give each group 15-20 minutes to assess their model. Have each group select one or more reporters who will present their assessment to the other group.

Bring together the two groups. Have each report on their plan. When both groups have reported, ask the class as a whole to vote on which model they prefer.

### Followup Questions

- § What part of GRADE – Goals, Rivals, Advantages, Disadvantages, Evaluation – was most useful?
- § Did your position change during the group reports? If so, what did you find most persuasive?
- § Did you vote for a model different from the one you assessed? If so, did working with your group help you make this decision?

## C: Handout: Two Models for Juvenile Offenders

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### Model A: Locking Them Up in California

California has 10 percent of the juvenile population in the United States. Yet it houses 35 percent of all the juveniles in custody in the United States. This high percentage reflects California's get-tough-on-crime policy of the 1980s. The state built more prisons, sentenced prisoners to longer sentences, and limited criminal defendants' rights. This policy also resulted in more juveniles in secure facilities for longer periods.

The California Youth Authority takes charge of the most serious youth offenders in California. It runs 11 large institutions, which average 600 beds each, but which are alarmingly overcrowded. These institutions serve as the places of last resort for serious juvenile offenders. Once locked up by the Youth Authority, offenders serve far more time than adults convicted of similar offenses in California.

The Youth Authority's institutions share the problems of all large training schools. Violence threatens juveniles and officials alike. Gang culture predominates. Drugs somehow make their way in. Suicides occur. The most that can be said of them is that they keep offenders off the streets. Although almost all training schools make efforts at rehabilitation, these efforts usually fail in such an atmosphere. In fact, 70 percent of the juveniles released from the California Youth Authority are rearrested within one year; 85 percent are rearrested within five years.

### Model B: Putting Them in the Community in Massachusetts

Jerome Miller became director of Massachusetts' Department of Youth Services in 1970. At first, he tried to reform the large training schools that held most of Massachusetts' juvenile detainees. He wanted the schools to become centers of rehabilitation. He soon gave up. In 1972, he instituted one of the most radical reforms in the history of juvenile corrections: He closed down all the training schools in the state.

Taking the money saved from closing the expensive-to-run training schools, he invested it in small, secure units for the most dangerous offenders. These sites sheltered no more than 15 juveniles each. While costing even more to run per juvenile than the training schools, they cost less overall because they housed fewer individuals. The remaining juveniles, he sent into community-based programs, run by non-profit agencies.

Today, long after Miller's departure, his department still operates without training schools. It assigns a caseworker for each juvenile put in its care. The caseworker develops a treatment plan for each juvenile and oversees its implementation. Massachusetts' out-of-home placements consist of: small secure units (for the most serious offenders); small detention centers (for juveniles awaiting hearings); groups homes; a forestry camp; and foster care agencies.

The remaining juveniles under the department's supervision are at home. They either attend day treatment centers or are supervised by probation officers. Only the most serious offenders, about 10 percent of the juveniles, remain in the system for long. Placed in secure units for about a year, they move to group homes, and then to highly supervised probation. If they fail at any step, they return to secure units.

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## D: Strategy: Looking at Public Policy: G R A D E

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“Public Policy is a plan of action, adopted by government, to solve a problem or reach a goal.”

In a democracy, you have a say on government policies and proposed policies. It's important that you take a critical look at them. Use the following GRADE test to analyze public policies.

Goal	What is the policy and what is its goal? If you don't know what it's supposed to do, you can't measure its success or failure. Policies are designed to address problems. What problem or problems is this policy supposed to address?
Rivals	Who supports this policy? Who opposes it? Knowing the rivals can help you understand who the policy might affect and whether the policy favors special interest. Also, rivals are terrific sources for information. Be sure to check their facts though.
Advantages	What are the policy's benefits? What is good about the policy? Will it achieve (or has it achieved) its goal? Will it achieve the goal efficiently? Is it inexpensive? Does it protect people from harm? Does it ensure people's liberties?
Disadvantages	What are the policy's costs? What is bad about the policy? Is it inefficient? Is it expensive? Does it cause harm? Does it intrude on people's liberties? Are there any potential consequences that may cause damage?
Evaluate the alternatives	One alternative is to do nothing. Most serious problems have various policy proposals. Evaluate them. Look at their goals, advantages, and disadvantages.

Adapted from: The Challenge of Information, © 1998, Constitutional Rights Foundation (Los Angeles)

## E: Source: Redeploy Illinois, Public Act 93-0641 (Excerpts)

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AN ACT in relation to juvenile offenders, which may be referred to as the Redeploy Illinois Program amendments.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Probation and Probation Officers Act is amended by adding Section 16.1 as follows: (730 ILCS 110/16.1 new)

### Sec. 16.1. Redeploy Illinois Program.

(a) The purpose of this Section is to encourage the deinstitutionalization of juvenile offenders establishing pilot projects in counties or groups of counties that reallocate State funds from juvenile correctional confinement to local jurisdictions, which will establish a continuum of local, community-based sanctions and treatment alternatives for juvenile offenders who would be incarcerated if those local services and sanctions did not exist. The allotment of funds will be based on a formula that rewards local jurisdictions for the establishment or expansion of local alternatives to incarceration, and requires them to pay for utilization of incarceration as a sanction. This redeployment of funds shall be made in a manner consistent with the Juvenile Court Act of 1987.... and the following purposes and policies:

(b) Each county or circuit participating in the pilot program must create a local plan demonstrating how it will reduce the county or circuit's utilization of secure confinement of juvenile offenders in the Illinois Department of Corrections or county detention centers by the creation or expansion of individualized services or programs....

(c) A county or group of counties may develop an agreement with the Department of Human Services to reduce their number of commitments of juvenile offenders, excluding minors sentenced based upon a finding of guilt of first degree murder or an offense which is a Class X forcible felony as defined in the Criminal Code of 1961, to the Department of Corrections, and then use the savings to develop local programming for youth who would otherwise have been committed to the Department of Corrections. The county or group of counties shall agree to limit their commitments to 75% of the level of commitments from the average number of juvenile commitments for the past 3 years, and will receive the savings to redeploy for local programming for juveniles who would otherwise be held in confinement....

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Source: Illinois General Assembly, <http://www.legis.state.il.us/legislation/publicacts/>

## F: Activity: Town Hall Meeting on Redeploy Illinois

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A town meeting provides members of a community an opportunity to participate in the decision-making process. A community forum usually considers matters of local concern, but the format has also been used on television to conduct “national town hall meetings” on specific issues. A town meeting can serve as a local governing and decision-making body by performing functions similar to those of a representative city council. It can also be advisory in nature, providing elected representatives with the view of citizens.

Section Sec. 16.1. (c) of the Redeploy Illinois statute states

“A county or group of counties may develop an agreement with the Department of Human Services to reduce their number of commitments of juvenile offenders, excluding minors sentenced based upon a finding of guilt of first degree murder or an offense which is a Class X forcible felony as defined in the Criminal Code of 1961, to the Department of Corrections, and then use the savings to develop local programming for youth who would otherwise have been committed to the Department of Corrections.”

Although counties are permitted to conduct this program, they are not required to do so.

This town hall meeting will focus students on whether to request funding through the Redeploy Illinois initiative for a juvenile diversion program in their county.

### Procedures

Organize the town meeting by assigning individuals the following roles:

- § chairperson
- § representative of a group in favor of implementing Redeploy Illinois
- § representative of a group in opposition to the Redeploy Illinois
- § community members at large
- § elected officials who represent the entire community in the town or city council, state legislature, or other legislative body.

Explain to students the purpose of the town meeting and the procedures to be followed.

Allow time for students to prepare for the town meeting in accordance with their assigned roles.

If possible, arrange for the use of a larger room than the typical classroom.

If possible, arrange for local legislators and representatives from local civic improvement associations to serve as resource persons or observers.

Conduct the town meeting using the following procedures.

### Student Instructions for a Town Meeting

1. Prior to the meeting, have students assess Redeploy Illinois using Handout D, “GRADE.” They can also contact community resource persons to get their background information and to discuss their positions on the proposition.
2. Time limits for each side’s presentation should be agreed upon ahead of time. The chairperson is empowered to cut off debate and discussion when the time limit has been exceeded.
3. The chairperson calls the meeting to order, explains the purpose of the meeting, and describes the rules to be followed during the meeting:
  - a. A person may not speak until he/she is recognized by the chairperson.

- b. No one may interrupt when a person is speaking.
  - c. All remarks must relate to the proposition being discussed.
  - d. If the speaker wanders from the point, abuses other people, or in any way defeats the purpose of the meeting, the chairperson declares him or her out of order.
4. A representative of the group in favor of the proposition is asked to stand and describe the group's position. After the representative has finished speaking, he/she may ask people brought as witnesses to stand and speak.
  5. The chairperson announces that any person in favor of the proposition may stand and speak. They will be recognized in the order in which they stand.
  6. A representative of the group opposed to the proposition is asked to stand and describe the group's position. After the representative has finished speaking, he/she may ask people brought as witnesses to stand and speak.
  7. The chairperson announces that those people opposed to the proposition will be recognized in the order in which they stand and given an opportunity to speak.
  8. After all people on both sides of the proposition have had an opportunity to speak, the chairperson opens the question for additional discussion or debate. During this time any person may stand, be recognized, and present his/her point of view or argue against the point of view of someone else.
  9. At the end of this discussion or debate the chairperson calls for a vote on the proposition. The vote is decided by a majority.

### Followup Questions

- § In what ways is speaking in a town hall meeting an effective way for citizens to share their views? In what ways is it limited?
- § Did the vote after the meeting affect how you thought of the process? Were you in the majority or minority?
- § What was the most compelling thing you learned about the "Redeploy Illinois" during your preparation? From another participant?
- § What would help you to understand better this issue?

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Instructions for conducting a town hall meeting adapted from: "Town Meeting," Law-Related Education in Juvenile Justice Settings. 1993, 1999, 2003: Youth for Justice.

## G: Where to Place Juvenile Offenders: Questions for Review [may be discussed with a partner]

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- § Compare and contrast the California and Massachusetts models for handling juvenile offenders. Which approach do you think will be more effective in the long run?
- § Supporters of Redeploy Illinois argue that if the bill is enacted it will ultimately reduce the cost of running the Corrections Departments. Do you agree or disagree with this? Why or why not?
- § Critics of Redeploy Illinois argue that if the bill is enacted it will end up costing counties too much money to implement. Do you think this program should be adopted by your county? Explain your answer.

## H: Taking a Stand: Position Paper on Where to Place Juvenile Offenders

### Policy

Should Illinois divert state prison funds to develop local alternative programming for youthful offenders who otherwise would be held in confinement?

### Steps for writing your Position Paper

1. Choose a position for, against, or as an alternative to the policy above.
2. Then team up with classmates who take the same position and as a group, write a persuasive paper arguing the benefits associated with your position on this policy.
3. In your essay, be sure to call on the most convincing arguments and specific evidence and examples from:
  - § the reading
  - § discussion and other classroom activities
  - § people in your community
  - § any other sources available to you
4. Include in your paper the most convincing arguments from the opposing side. List what you think are the best arguments your policy rivals would make. Acknowledge these points, and do your best to refute the importance of these details.

### Specifications for Your Paper

Length. Your paper should be between 300 and 500 words.

Format. Each paper must have the name of the school in the heading and the policy being addressed in the title. No student names will appear on the position papers.

### Sharing Your Views

You can contribute your views on this policy by writing to your State Representative, State Senator, U.S. Representative in Congress, and/or your U.S Senators.

## Where to Place Juvenile Offenders: Selected Community, Print, and Internet Resources

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### Resources

Cook County State's Attorney's Office  
Juvenile Justice

<http://www.statesattorney.org/aweb/juvenile.htm>

Illinois Juvenile County Profiles

Illinois Criminal Justice Information Authority

<http://www.icjia.org/public/index.cfm?metasection=forms&metapage=JuvenileProfiles>

Office of the Illinois Attorney General

<http://www.ag.state.il.us/>

Office of Juvenile Justice and Delinquency Prevention

United States Department of Justice

[www.ojjdp.usdoj.gov/ojjdp](http://www.ojjdp.usdoj.gov/ojjdp)

### Documents

Illinois 93<sup>rd</sup> General Assembly – Bill Status for HB2545. "Redeploy Illinois Program."

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