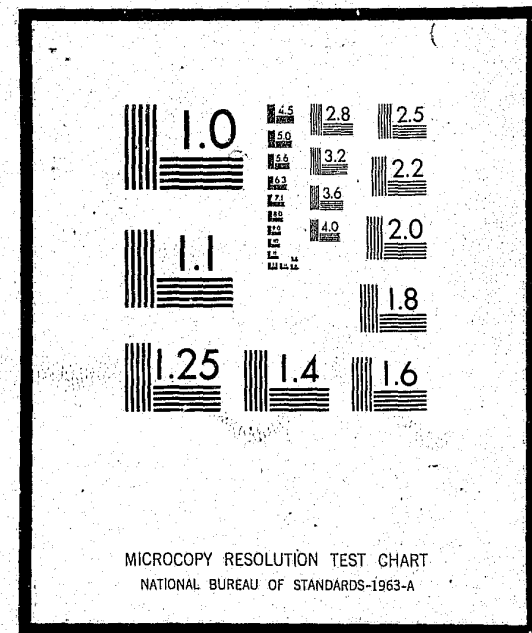


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6/9/76

ILLINOIS JUVENILE DETENTION SYSTEM PLAN FOR ACTION

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December, 1974

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The listing of committee members below should not be construed as a formal approval of the recommendations by all members; nor do the recommendations necessarily reflect every opinion expressed at committee meetings. Several committee members submitted detailed comments which were carefully considered in the drafting of this final document.

Participating Committee Members:

Osman Bengur	Illinois Department of Children and Family Services
Barry Bollensen	Supreme Court Committee on Criminal Justice Programs
Les Bonaguro	Administrative Office of Illinois Courts
Gerald Brooks	Illinois Sheriffs' Association
Dennis Dohm	Administrative Office of Illinois Courts
William Hamby	Illinois Police Chiefs' Association
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Robert Perkins	Illinois Department of Corrections
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¹ Attended meetings representing Illinois Department of Children and Family Services, currently not associated with that agency.

² Attended meetings representing the National Council on Crime and Delinquency, currently with John Howard Association.

LIST OF RECOMMENDATIONS

1. LEGISLATION: AMEND THE JUVENILE COURT ACT, SECTION 702-2, TO REPLACE THE EXISTING DEFINITION OF "DELINQUENT MINOR" WITH THE FOLLOWING: A "DELINQUENT MINOR" IS ANY MINOR WHO PRIOR TO HIS 17TH BIRTHDAY HAS COMMITTED OR ATTEMPTED TO COMMIT REGARDLESS WHERE THE ACT OCCURRED, AN ACT WHICH IS IN VIOLATION OF A FEDERAL OR STATE LAW OR MUNICIPAL ORDINANCE, AND WHICH IF COMMITTED BY AN ADULT WOULD BE A CRIMINAL OFFENSE.
2. LEGISLATION: AMEND THE ILLINOIS REVISED STATUTES, CHAPTER 23, SECTION 2681 AND THE JUVENILE COURT ACT, SECTION 701-9, TO REPLACE THE EXISTING DEFINITION OF "DETENTION" WITH THE FOLLOWING: "DETENTION" MEANS A SERVICE TO THE COURT TO PROVIDE, PENDING ADJUDICATION AND DISPOSITIONAL ORDER, TEMPORARY SECURE CUSTODY IN A JUVENILE DETENTION HOME OF A MINOR UNDER 17 YEARS OF AGE WHO WAS TAKEN INTO CUSTODY FOR THE ALLEGED COMMISSION OF A DELINQUENT ACT.
3. LEGISLATION: AMEND THE ILLINOIS REVISED STATUTES, CHAPTER 23, SECTION 2681 AND THE JUVENILE COURT ACT, ARTICLE 1 - GENERAL PROVISIONS, TO INCLUDE THE FOLLOWING DEFINITION: "JUVENILE DETENTION HOME" MEANS A PHYSICALLY RESTRICTING FACILITY, OTHER THAN A COUNTY JAIL OR MUNICIPAL LOCK-UP, CERTIFIED BY THE DEPARTMENT OF CORRECTIONS FOR THE TEMPORARY CONFINEMENT OF MINORS UNDER 17 YEARS OF AGE AWAITING ADJUDICATION AND DISPOSITION FOR THE ALLEGED COMMISSION OF A DELINQUENT ACT, AND WHO ARE FOUND TO BE IN NEED OF SECURE CUSTODY.
4. LEGISLATION: AMEND THE JUVENILE COURT ACT, SECTION 703-3, BY REPLACING THE DESCRIPTION OF "SHELTER CARE" WITH THE FOLLOWING: "NON-DETENTION CARE." ANY MINOR, INCLUDING DELINQUENTS, TAKEN INTO TEMPORARY CUSTODY WHO REQUIRES CARE BUT WHO DOES NOT REQUIRE PHYSICAL RESTRICTION IN SECURE CUSTODY SHALL BE GIVEN TEMPORARY CARE AND SUPERVISION IN EITHER HIS HOME OR IN A FOSTER HOME, GROUP HOME, OR OTHER APPROVED SHELTER FACILITY DESIGNATED BY THE INTAKE OFFICER OR BY THE COURT.
5. JUVENILE DETENTION HOMES SHALL BE USED ONLY FOR MINORS WHOSE ALLEGED OFFENSE WOULD HAVE THEM CLASSIFIED AS DELINQUENTS, AND WHO ARE FOUND TO BE IN NEED OF SECURE CUSTODY IN PHYSICALLY RESTRICTING FACILITIES BY THE INTAKE OFFICER AND/OR THE JUVENILE DIVISION OF THE CIRCUIT COURT.
6. THE DEPARTMENT OF CORRECTIONS IN CONJUNCTION WITH ALL CHIEF JUDGES REVIEW EXISTING DETENTION SERVICES FOR JUVENILES AND FORMULATE A DETENTION SERVICE REDISTRIBUTION PLAN UTILIZING MULTI-COUNTY USE OF FACILITIES AND SERVICES WHEREVER IT APPEARS FEASIBLE AND ECONOMICALLY DESIRABLE.
7. A 24-HOUR INTAKE SERVICE, UNDER THE JURISDICTION OF THE JUVENILE DIVISION OF THE CIRCUIT COURT, BE ESTABLISHED THROUGHOUT THE STATE.

8. LEGISLATION: AMEND THE JUVENILE COURT ACT, SECTION 702-8, TO AUTHORIZE LAW ENFORCEMENT AGENCIES TO HOLD IN TEMPORARY CUSTODY MINORS UNDER 16 YEARS OF AGE FOR A PERIOD NOT TO EXCEED FOUR HOURS, AND ONLY IN SPECIFIED HOLDING AREAS MEETING STANDARDS SET FOR THAT PURPOSE BY THE BUREAU OF DETENTION STANDARDS AND SERVICES. WHEN IMMEDIATE DETENTION IS DEEMED NECESSARY, THE MINOR SHALL BE REFERRED TO THE INTAKE OFFICER WHO WILL, IN WRITING, AUTHORIZE OR DENY IMMEDIATE DETENTION.
9. LEGISLATION: AMEND THE JUVENILE COURT ACT, SECTION 703-5, TO REQUIRE THE HOLDING OF A DETENTION HEARING WITHIN SIXTEEN HOURS FOLLOWING ADMISSION OF A MINOR INTO A DETENTION FACILITY.
10. LEGISLATION: AMEND THE JUVENILE COURT ACT, SECTION 704-2, TO LIMIT TO A MAXIMUM OF TEN CALENDAR DAYS THE STAY IN DETENTION OF A MINOR AWAITING ADJUDICATION AND DISPOSITION.
11. UNIFORM ADMINISTRATIVE GUIDELINES BE DEVELOPED BY JUVENILE DIVISIONS OF CIRCUIT COURTS TO DETERMINE THE CONDITIONS UNDER WHICH JUVENILE OFFENDERS CAN BE PLACED IN TEMPORARY AND SECURE CUSTODY.
12. LEGISLATION: AUTHORIZE THE DIVERSION, IMMEDIATELY AFTER POLICE CONTACT, OF ALL JUVENILES WITH SOCIO-MEDICAL PROBLEMS (ALCOHOL AND DRUG ABUSE, MENTAL ILLNESS AND RETARDATION, AND VENEREAL DISEASE) TO APPROPRIATE FACILITIES AND/OR PROGRAMS.
13. LEGISLATION: REVIEW PROCEDURES BE ESTABLISHED TO PROVIDE AN OPPORTUNITY TO RESOLVE ALLEGED DELINQUENCY WITHOUT THE FILING OF A PETITION.
14. STATE AGENCIES MUST PROVIDE TECHNICAL ASSISTANCE TO LOCAL JUVENILE JUSTICE SYSTEMS FOR THE DEVELOPMENT OF VIABLE ALTERNATIVES TO DETENTION AND PROSECUTION OF JUVENILES.
15. STANDARD AND UNIFORM RECORDING SYSTEMS BE DEVELOPED STATEWIDE FOR ALL SEGMENTS OF THE JUVENILE JUSTICE SYSTEM. HOWEVER, PRIOR TO THE DEVELOPMENT OF THE VARIOUS RECORDING SYSTEMS, IT IS NECESSARY THAT A GENERAL AGREEMENT BE REACHED ON THE TERMINOLOGY TO BE USED.
16. GUIDELINES AND PROCEDURES FOR THE MANDATORY USE OF "CONTINUANCE UNDER SUPERVISION" BE DEVELOPED BY THE COURT SO AS TO REDUCE THE NUMBER OF JUVENILES REACHING THE DISPOSITIONAL STAGE.
17. LEGISLATION: AUTHORIZE AND FUND THE DEPARTMENT OF CORRECTIONS, IN CONJUNCTION WITH THE ADMINISTRATIVE OFFICE OF ILLINOIS COURTS, TO CONDUCT FOUR PILOT PROJECTS TO IMPLEMENT PROPOSED CHANGES TO THE JUVENILE JUSTICE SYSTEM IN SELECTED AREAS OF THE STATE.

INTRODUCTION

IN 1973, 82 ILLINOIS COUNTIES VIOLATED THE JUVENILE COURT ACT, SECTION 702-8-1 BY DETAINING A COMBINED TOTAL OF 2,277 MINORS UNDER THE AGE OF 16 IN COUNTY JAIL FACILITIES.

OVER 51 PERCENT OF ALL CHILDREN UNDER THE AGE OF 16 WERE HELD IN THESE FACILITIES FOR MORE THAN 36 HOURS, THUS COMPOUNDING THE GRAVITY OF THE VIOLATION.

A TOTAL OF 229 CHILDREN UNDER THE AGE OF 16 WERE KEPT IN COUNTY JAIL FACILITIES FOR EIGHT DAYS OR MORE.

THE NUMBER OF DAYS SPENT IN JAIL FACILITIES BY CHILDREN UNDER THE AGE OF 16 ACCOUNTED FOR MORE THAN 44 PERCENT OF THE TOTAL NUMBER OF DAYS SPENT IN THOSE FACILITIES BY JUVENILES OF ALL AGES.

OF ALL JUVENILES DETAINED IN JAIL FACILITIES, 371 WERE IDENTIFIED AS SOCIO-MEDICAL CASES (ALCOHOL, DRUG, AND MENTAL) AND YET WERE DETAINED IN JAIL FACILITIES FOR A TOTAL OF 1,052 DAYS.

ALTHOUGH THE JUVENILE COURT ACT STATES THAT "DETENTION" MEANS THE TEMPORARY CARE OF A MINOR, AT LEAST IN TWO JUVENILE DETENTION HOMES CHILDREN WERE KEPT IN "TREATMENT" DETENTION FOR PERIODS RANGING BETWEEN 105 AND 205 DAYS.

ALTHOUGH THE JUVENILE COURT ACT STATES FURTHER THAT "DETENTION" MEANS THE TEMPORARY CARE OF A MINOR WHO REQUIRES SECURE CUSTODY, AT LEAST 332 OF ALL CHILDREN HELD IN DETENTION WERE CLASSIFIED AS "DEPENDENT" OR "NEGLECT" CASES.

OF ALL COUNTIES SURVEYED, NOT ONE HAD A UNIFORM RECORDING AND REPORTING SYSTEM IN OPERATION LINKING THE MAIN COMPONENTS OF CRIMINAL JUSTICE.

The Juvenile Detention Plan for Action outlined in this document concludes a statewide study conducted by the Detention Planning Unit of the Department of Corrections involving:

- a. A field survey of all operating detention facilities, with the exception of municipal lock-ups and all Cook County facilities.
- b. An in-depth analysis of the Illinois Juvenile Court Act.
- c. An extensive study of detention practices affecting juvenile offenders.
- d. A review of recently published documents pertaining to the juvenile justice system's theories and practices.
- e. Numerous consultations and meetings with members of interest groups and professionals active in the field of juvenile justice.

The findings of this study, the most significant of which are listed in this introduction, indicate that detention services statewide are still inadequate, and that reform efforts in this area of the juvenile justice system have been concentrated primarily in the theoretical and planning phase.

Detention should be one of many alternatives. Yet, in too many instances, it is the first and only official response. Statistics included in this report's appendix show that detention has been misused and overused throughout the State.

The recommendations that follow are to be viewed in the sequential order of their presentation in that dependent interrelationships exist among them.

- 1 - AMEND THE JUVENILE COURT ACT, SECTION 702-2, TO REPLACE THE EXISTING DEFINITION OF "DELINQUENT MINOR" WITH THE FOLLOWING: A "DELINQUENT MINOR" IS ANY MINOR WHO PRIOR TO HIS 17TH BIRTHDAY HAS COMMITTED OR ATTEMPTED TO COMMIT REGARDLESS WHERE THE ACT OCCURRED, AN ACT WHICH IS IN VIOLATION OF A FEDERAL OR STATE LAW OR MUNICIPAL ORDINANCE, AND WHICH IF COMMITTED BY AN ADULT WOULD BE A CRIMINAL OFFENSE.
- 2 - AMEND THE ILLINOIS REVISED STATUTES, CHAPTER 23, SECTION 2681 AND THE JUVENILE COURT ACT, SECTION 701-9, TO REPLACE THE EXISTING DEFINITION OF "DETENTION" WITH THE FOLLOWING: "DETENTION" MEANS A SERVICE TO THE COURT TO PROVIDE, PENDING ADJUDICATION AND DISPOSITIONAL ORDER, TEMPORARY SECURE CUSTODY IN A JUVENILE DETENTION HOME OF A MINOR UNDER 17 YEARS OF AGE WHO WAS TAKEN INTO CUSTODY FOR THE ALLEGED COMMISSION OF A DELINQUENT ACT.
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Misuse of detention services in Illinois appears to be, in part, due to the lack of resources at the local level, a factor which has impeded the development of local alternatives to detention, but it has also been made possible by the vagueness and lack of clarity that characterize numerous sections of the Juvenile Court Act.

In an effort to correct the situation, and thus prevent further abuses, the above amendments to the Illinois Revised Statutes are recommended. However, it is most important that such legislative changes be sought in conjunction with the development and coordination throughout the State of community alternatives (i.e. Foster homes, group homes, shelter care facilities, etc.) for the temporary placement of minors whose needs are not and cannot be satisfied with detention.

- 5 - JUVENILE DETENTION HOMES SHALL BE USED ONLY FOR MINORS WHOSE ALLEGED OFFENSE WOULD HAVE THEM CLASSIFIED AS DELINQUENTS, AND WHO ARE FOUND TO BE IN NEED OF SECURE CUSTODY IN PHYSICALLY RESTRICTING FACILITIES BY THE INTAKE OFFICER AND/OR THE JUVENILE DIVISION OF THE CIRCUIT COURT.
- 6 - THE DEPARTMENT OF CORRECTIONS IN CONJUNCTION WITH ALL CHIEF JUDGES REVIEW EXISTING DETENTION SERVICES FOR JUVENILES AND FORMULATE A DETENTION SERVICE REDISTRIBUTION PLAN UTILIZING MULTI-COUNTY USE OF FACILITIES AND SERVICES WHEREVER IT APPEARS FEASIBLE AND ECONOMICALLY DESIRABLE.

Twelve juvenile detention homes, with a combined daily capacity of 710, are operating in the State at the present time. Each home is a county facility, providing detention services primarily to county residents. However, all have housed children from other counties and, sometimes, from other states. Detention statistics for 1973 show that these facilities detained a combined total of 16,473 children, and served 55 Illinois counties.¹

Like county jails, juvenile detention homes have often used detention unnecessarily and for unusually lengthy periods, in spite of the fact that the Juvenile Court Act states:

"Detention" means the temporary care of a minor who requires secure custody for his own or the community's protection in physically restricting facilities pending disposition by the court or execution of an order of court for placement or commitment.²

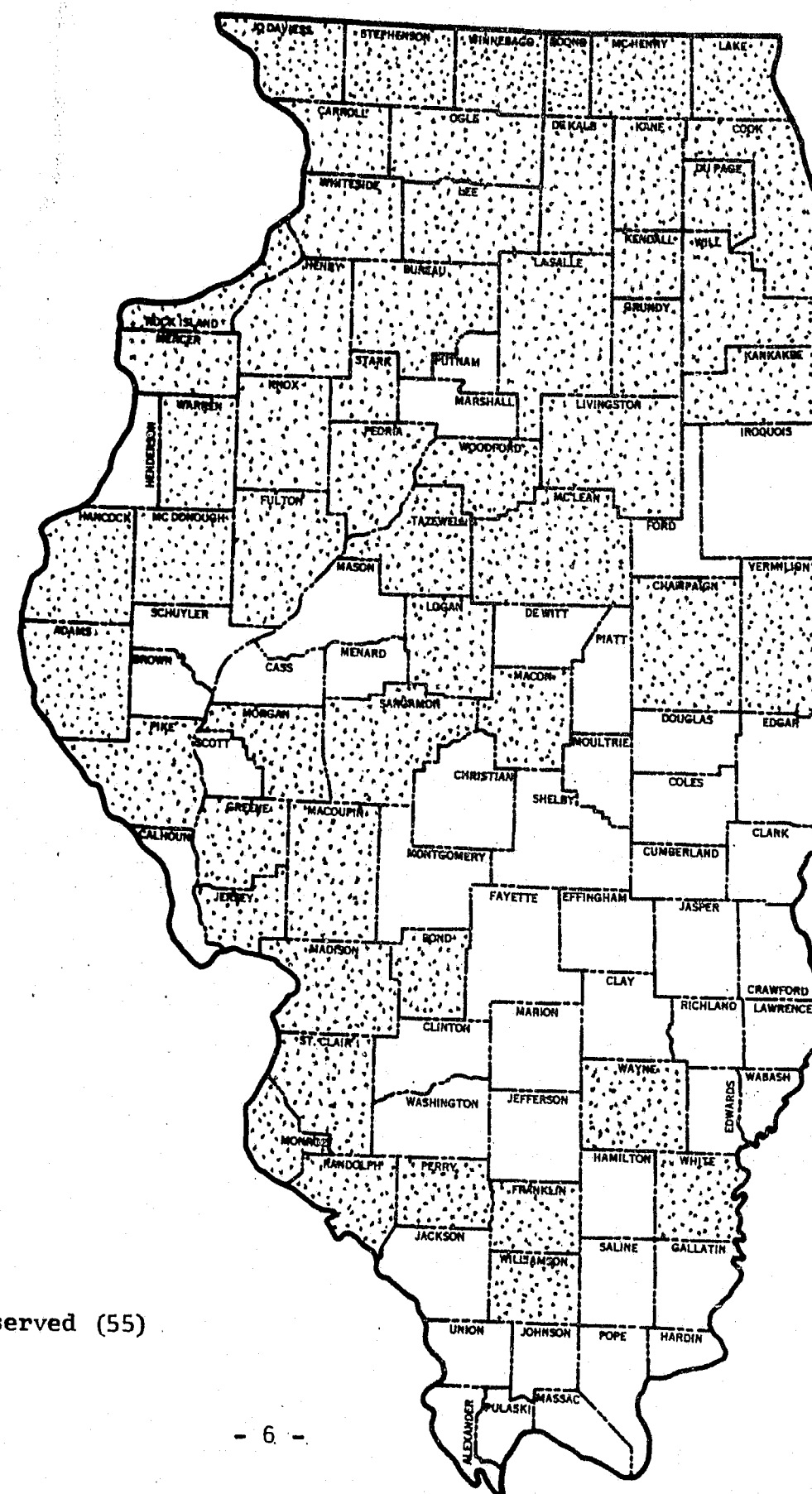
"Shelter" means the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.³

¹ See Map 1.

² Illinois Revised Statutes 1973, Chapter 37, Art. 1, Section 701-9.

³ Illinois Revised Statutes 1973, Chapter 37, Art. 1, Section 701-17.

COUNTIES SERVED BY DETENTION HOMES
1973



Counties served (55)

Only those minors who have been adjudicated delinquent or have committed a delinquent act, and who are found to be in need of secure custody in physically restricting facilities must be detained, and every effort must be made to dispose of their cases quickly and fairly. All the others, needing care and supervision away from their home environment but not in physically restricting facilities, must be housed in non-detention facilities.

This recommendation is intended not only to put an end to present detention practices and prevent further abuses, but also to considerably reduce the need for detention space and thus expand the service area of existing detention facilities.

An analysis of 1973 detention statistics reveals that, despite the excessive use of detention, juvenile facilities (with the exception of the Audy Home in Cook County) were unable to fully use their detention days capacity (Table 1).

The number of children held in detention homes would have been substantially lower if intake officers had accepted into custody only those truly in need of supervision in physically restricting facilities. Furthermore, had the length of stay per child not exceeded the 10 days estimated by the Detention Planning Unit and the Bureau of Detention Standards and Services as being sufficient to dispose of a case, the twelve homes would have used less than 66 percent of their combined detention capacity (Table 2). This is assuming that all delinquent and MINS cases were in need of detention, which is highly questionable,

TABLE 1

JUVENILE DETENTION HOMES
1973 Detention Use

<u>County</u>	<u>Daily Capacity¹</u>	<u>Juveniles Held</u>	<u>Detention Days Capacity²</u>	<u>Detention Days Used in 1973</u>	<u>Percentage Use of Available Detention Days</u>
Adams	32	159	11,680	3,419*	29.27%
Champaign	18	277	6,570	2,354	35.83
Cook	434	9,020	158,410	182,926	115.48
Du Page	30	483	10,950	9,177	83.81
Kane	32	386	11,680	9,650	82.62
Knox	22	218	8,030	4,287	53.39
Lake	26	883	9,490	7,241	76.30
La Salle	26	263	9,490	2,630	27.71
Madison	21	682	7,665	4,638	60.51
Peoria	9	579	3,285	2,895	88.13
St. Clair	22	606	8,030	4,848	60.37
Winnebago	<u>38</u>	<u>2,894</u>	<u>13,870</u>	<u>7,235</u>	<u>52.16</u>
Totals	710	16,450	259,150	241,300	93.11%

¹ Bureau of Detention Standards & Services

² Detention Days Capacity = No. of Beds x 365

* Estimate

TABLE 2

JUVENILE DETENTION HOMES
Hypothetical Detention Use

County	Juveniles Held ¹	Average Length of Stay*	Hypothetical Detention Use	Detention Days Capacity ²	Pctg. Use of Detention Capacity
Adams	119	10.0	1,190	11,680	10.2%
Champaign	277	7.3	2,022	6,570	30.8
Cook	9,020	10.0	90,200	158,410	56.9
Du Page	482	10.0	4,820	10,950	44.0
Kane	378	10.0	3,780	11,680	32.4
Knox	151	4.0	604	8,030	7.5
Lake	765	8.2	6,273	9,490	66.1
La Salle	221	10.0	2,210	9,490	23.3
Madison	682	6.8	4,638	7,665	60.5
Peoria	527	5.0	2,635	3,285	80.2
St. Clair	602	8.0	4,816	8,030	60.0
Winnebago	<u>2,894</u>	2.5	<u>7,235</u>	<u>13,870</u>	<u>52.2</u>
Totals	16,118		130,423	259,150	65.8

* The estimated maximum length of stay of 10 days has been used only for those counties that exceed that limit. For all others, the reported average length of stay has been retained.

¹ Does not include juveniles held as dependents.

² Detention days capacity = No. of beds x 365 days.

and that the statistics forwarded to the Department of Corrections were accurate.

Juvenile detention services are presently available primarily in the northern sector of the State, with most southern and central counties in want of these services.¹ To correct this geographic misallocation, a redistribution of juvenile detention services is urgently needed.

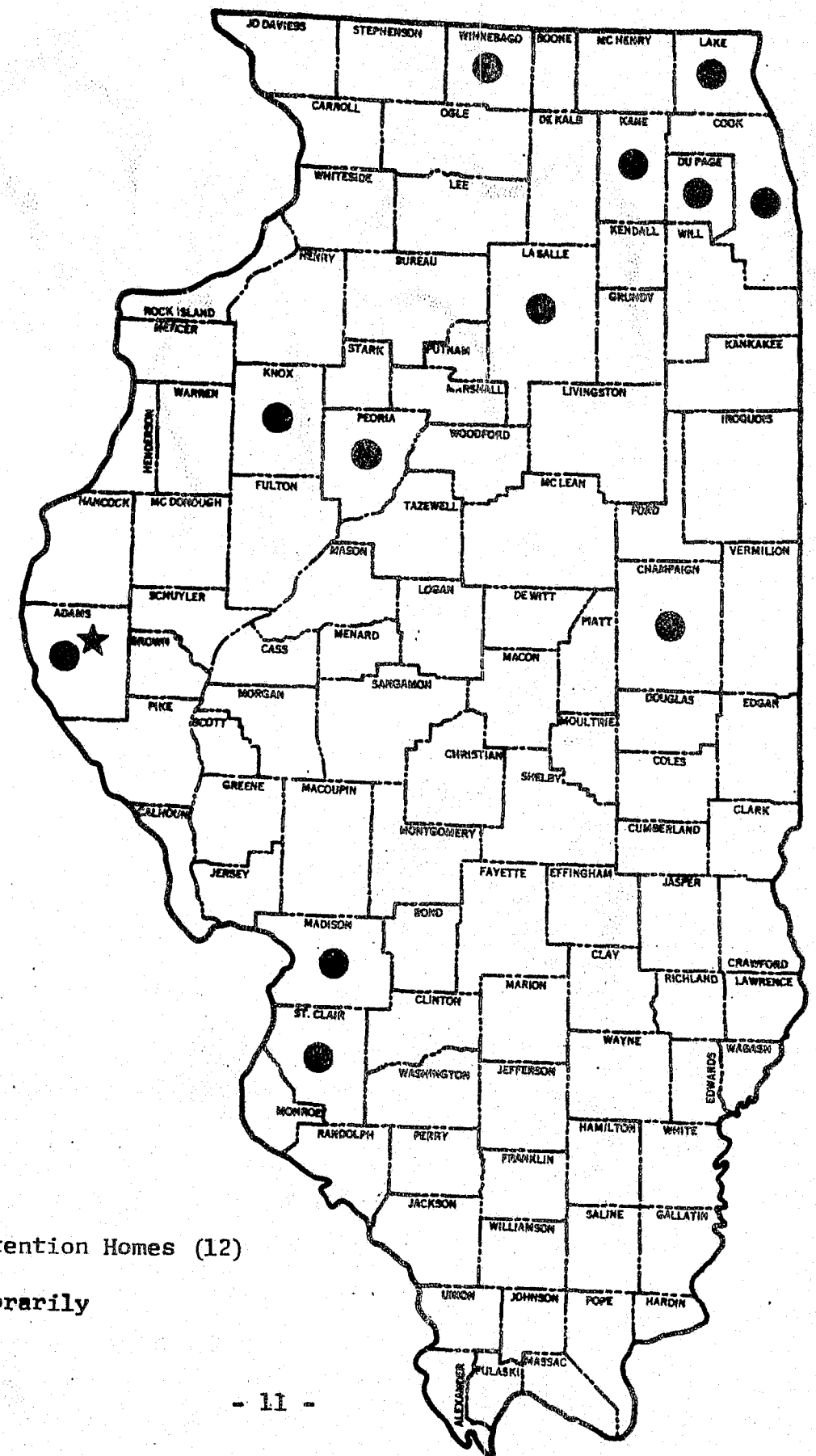
An equitable distribution of juvenile detention services can be accomplished if:

1. Detention is limited to those juveniles requiring supervision in physically restricting facilities.
2. Non-detention facilities are planned for, built, and made available for minors needing care and supervision but not detention.
3. Existing detention homes expand their services to surrounding counties on an ongoing basis.
4. The Administrative Office of Illinois Courts urges and actively supports all Chief Judges in seeking contractual arrangements between counties for use of detention facilities by those counties lacking them.
5. Additional detention homes are built, after the need for them has been clearly demonstrated, to serve counties lacking detention services and, because of excessive distance, unable to use existing facilities.

In order to avoid en-masse construction of new juvenile homes, resulting in an inevitable costly surplus of detention space, the

¹ See Map 2.

GEOGRAPHIC DISTRIBUTION
Juvenile Detention Homes
1974



- Juvenile Detention Homes (12)
- ★ Closed Temporarily

Department of Corrections in conjunction with all Chief Judges of Illinois Circuit Courts should review the condition of existing detention facilities and formulate a statewide detention service redistribution plan to which requests for expansion and new construction would be required to conform. Higher quality services at a lower cost could be achieved through multi-county sharing of facilities, programs and detention personnel.

7 - A 24-HOUR INTAKE SERVICE, UNDER THE JURISDICTION OF THE JUVENILE DIVISION OF THE CIRCUIT COURT, BE ESTABLISHED THROUGHOUT THE STATE

Intake services shall be established throughout the State, under the jurisdiction of the juvenile division of the circuit court, to receive and screen all children referred to the court system by whatever source.

Intake services shall have trained staff specifically assigned by the circuit court to intake functions. Probation personnel, if properly trained, could perform such functions in jurisdictions where the caseload is recognizably small. Recruitment of intake personnel shall be a responsibility of the juvenile division of the circuit court and without regard to political affiliation. Promotion shall be regulated by merit system.

Intake service personnel shall have the following functions and duties:

1. Establish and maintain contacts with public and private agencies and other potential community resources for use of programs and delivery of services to minors.
2. Maintain and update referral resource directories by service area.
3. Collect and file all reports to be used in the screening process, including police incident report, probation social investigation report, school evaluation report, etc.
4. Screen and evaluate youngsters, and make pre-adjudication and diversionary referrals as appropriate.

5. Make recommendations to the court concerning the minor's specific needs (i.e. immediate detention, probation, institutionalization, specialized care, etc.).
6. Maintain accurate and complete records of all cases handled (including actions taken after referral).
7. Inform the general public of the activities and services provided.
8. Promote and assist the establishment of additional community based programs and services for troubled youths.

The intake officer shall act officially on behalf of all minors for whom the filing of a petition has been requested, and unofficially when a referral has been made but no petition is being filed.

In order to effectively perform his duties, the intake officer must be authorized to:

- a. Release youngsters to the custody of their parents pending adjudication.
- b. Make referrals to service agencies such as mental health, family services, alcohol and drug detoxification centers, etc. (referrals to treatment programs shall be on a voluntary basis).
- c. Temporarily place minors in shelter and other non-secure residential facilities (group homes, voluntary and contracted for foster homes, etc.).
- d. Order the immediate detention of minors in certified detention facilities when temporary secure custody is needed pending adjudication (official cases only).
- e. Review all requests for the filing of delinquency petitions and make recommendations to the State's Attorney and the Court indicating whether the petition is in the best interest of the minor. (See Recommendation #13.)

A well organized and regulated intake service will significantly contribute to the preventive and corrective efforts of the juvenile justice system. In addition, it will greatly improve the entire system by reducing court caseloads, coordinating the use of community resources, and assisting the courts in making the best possible dispositional decision by identifying the youngster's particular need.

- 8 - AMEND THE JUVENILE COURT ACT, SECTION 702-8, TO AUTHORIZE LAW ENFORCEMENT AGENCIES TO HOLD IN TEMPORARY CUSTODY MINORS UNDER 16 YEARS OF AGE FOR A PERIOD NOT TO EXCEED FOUR HOURS, AND ONLY IN SPECIFIED HOLDING AREAS MEETING STANDARDS SET FOR THAT PURPOSE BY THE BUREAU OF DETENTION STANDARDS AND SERVICES. WHEN IMMEDIATE DETENTION IS DEEMED NECESSARY, THE MINOR SHALL BE REFERRED TO THE INTAKE OFFICER WHO WILL, IN WRITING, AUTHORIZE OR DENY IMMEDIATE DETENTION.
- 9 - AMEND THE JUVENILE COURT ACT, SECTION 703-5, TO REQUIRE THE HOLDING OF A DETENTION HEARING WITHIN SIXTEEN HOURS FOLLOWING ADMISSION OF A MINOR INTO A DETENTION FACILITY.
- 10 - AMEND THE JUVENILE COURT ACT, SECTION 704-2, TO LIMIT TO A MAXIMUM OF TEN CALENDAR DAYS THE STAY IN DETENTION OF A MINOR AWAITING ADJUDICATION AND DISPOSITION.

Available jail statistics demonstrate that detention and confinement of minors could and should have been avoided in the majority of cases. In fact most alleged offenses show no need for physical restriction in secure custody. Furthermore, although the Juvenile Court Act clearly states that, unless further detention is a matter of immediate and urgent necessity, the minor shall be immediately released,¹ the length of detention was unjustifiably excessive in numerous instances. Tables 1 and 2 clearly indicate the extent of the problem, and they are the basis for the amendments proposed here.

The statewide survey by the Detention Planning Unit also revealed that 82 county jails in 1973 detained 2,287 juveniles, age 15 and under, for a total of 7,449 days (over 44 percent of the detention days spent in county jail facilities by juveniles of all ages), thus violating the Juvenile Court Act, Section 702-8-1, which states:

¹ Illinois Revised Statutes 1973, Chapter 37, Art. 3, Section 703-4

TABLE 1
COUNTY JAIL DETENTION STATISTICS
1973

Alleged Offenses	Children Detained	Jail Days Served	Avg. Length of Stay	Adjusted A L S*
Felony	596	3,865	6.5	9.2
Misdemeanor	1,927	7,745	4.0	5.7
Mental	23	159	6.9	10.1
Alcohol	127	189	1.5	3.5
Drug	221	704	3.2	5.4
Traffic	342	675	2.0	4.5
Curfew	372	559	1.5	4.2
Runaway	1,182	2,978	2.5	3.9
All Offenses	4,790	16,874	3.5	5.7

* Adjusted by excluding all one-day stays.

Alleged Offenses	Number of Cases by Length of Stay				
	1	2-7	8-14	15-30	31+
Felony	197	260	69	50	20
Misdemeanor	689	965	183	71	19
Mental	8	13	1	0	1
Alcohol	102	23	1	0	1
Drug	111	99	7	1	3
Traffic	247	84	8	2	1
Curfew	313	54	1	4	0
Runaway	559	553	46	23	1
All Offenses	2,226	2,051	316	151	46

TABLE 2
COUNTY JAIL DETENTION STATISTICS
Children Under 16 Years of Age Detained in 1973

Alleged Offenses	Children Detained	Jail Days Served	Avg. Length of Stay	Adjusted A L S*
Felony	296	1,498	5.1	7.6
Misdemeanor	849	3,259	3.8	5.7
Mental	10	19	1.9	2.5
Alcohol	36	40	1.1	2.0
Drug	82	237	2.9	5.2
Traffic	109	205	1.9	4.6
Curfew	142	226	1.6	3.9
Runaway	763	1,965	2.6	4.2
All Offenses	2,287	7,449	3.3	5.4

* Adjusted by excluding all one-day stays.

Alleged Offenses	Number of Cases by Length of Stay				
	1	2-7	8-14	15-30	31+
Felony	115	127	32	18	4
Misdemeanor	331	402	82	27	7
Mental	4	6	0	0	0
Alcohol	32	4	0	0	0
Drug	45	34	2	0	1
Traffic	82	22	4	1	0
Curfew	113	28	0	1	0
Runaway	389	324	31	18	1
All Offenses	1,111	947	151	65	13

No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station...

Detention statistics for 1973 drawn from county jail logs throughout the State, with the exception of Cook County, show that:

1. Over 84 percent of all operating jails violated the Juvenile Court Act by confining minors under 16 years of age.
2. In about 48 percent of all cases, either the courts authorized continuation of unlawful detention, or law enforcement agencies took upon themselves to violate the law and deprive minors of their right to receive a detention hearing within 36 hours.
3. Excessive and unjustified detention was used for over 53 percent of all cases.
4. There is an urgent need for legislative action in order to prevent further abuse in the areas of custody and detention of minors.

The amendment to Section 702-8, authorizing the holding of minors for a period not to exceed four hours following police apprehension, will provide law enforcement agencies with sufficient time to identify the minor, conduct initial questioning, write a report, contact and notify parents, make a referral to the county intake officer, and arrange for transportation when needed. However, in order to safeguard the minors' health and safety, law enforcement agencies must make available separate holding areas meeting all standards set by the Bureau of Detention Standards and Services for that purpose. In the case of a minor requiring immediate detention in a secure facility, a referral to the intake officer with a recommendation for detention must be made

within the four hour period. Under no circumstances shall a law enforcement officer decide for custody in excess of four hours following apprehension. The intake officer, after reviewing the police report and questioning the minor, will decide for or against immediate detention, and make the appropriate referral.

The amendment to Section 703-5, requiring a detention hearing within 16 hours following the placement of a minor into a detention facility, will further reduce the possibility of unwarranted and unnecessary detention, and will ensure a judicial review of the case in a reasonable short period of time. It is expected that in most counties additional juvenile judges will be needed and, perhaps, "holiday courts" be established to handle cases scheduled to appear during week-ends or legal holidays.

The amendment to Section 704-2, requiring an adjudicatory hearing within ten calendar days for minors held in secure custody, will reduce detention and ensure speedy and fair treatment for those minors.

11 - UNIFORM ADMINISTRATIVE GUIDELINES BE DEVELOPED BY JUVENILE DIVISIONS OF CIRCUIT COURTS TO DETERMINE THE CONDITIONS UNDER WHICH JUVENILE OFFENDERS CAN BE PLACED IN TEMPORARY AND SECURE CUSTODY.

Recommended means of reducing juvenile detention by either diversion to social agencies and programs, or referral to parents and non-detention residential facilities can be more effective if criteria are developed for the imposition of detention. It is most important to identify who should be placed in detention and not merely who should not.

Detention guidelines, developed by juvenile divisions of circuit courts for use by intake personnel, must avoid vagueness to prevent misinterpretation and abuses; however, they must have a built-in elasticity to allow for unusual and unpredictable occurrences.

Two factors, among others, appear to warrant the placement in detention of a minor pending the adjudicatory hearing and disposition:

1. The minor poses a real and serious threat for the community and/or a particular individual.
2. The minor is likely to flee the jurisdiction and avoid court proceedings.

Suggested criteria for use by intake officers in establishing the necessity and desirability of detaining a minor on the basis of a threat to the community and/or a particular individual(s) could include the following:

- a. The minor knowingly and intentionally and without legal justification inflicted, or

attempted to inflict, serious bodily harm to an individual(s); and,

- b. The minor's conduct is characterized by a pattern of persistent aggressive behavior which seriously threatens the safety of others.

The intake officer, following initial screening and evaluation, will have the authority to order the immediate detention of a minor. However, continued detention can only be ordered by a judge at a detention hearing to be held within the time limits set by the Juvenile Court Act.

The adoption throughout the State of uniform detention guidelines would significantly improve the Juvenile Justice System by achieving the following objectives:

Supervised custody in physically restricting facilities used only for those minors truly needing it.

Overall reduction of the number of juveniles in detention facilities and a reduced need for additional detention space.

Better quality and less costly detention services.

More money available for the development of community based alternatives to detention.

12 - AUTHORIZE THE DIVERSION, IMMEDIATELY AFTER POLICE CONTACT, OF ALL JUVENILES WITH SOCIO-MEDICAL PROBLEMS (ALCOHOL AND DRUG ABUSE, MENTAL ILLNESS AND RETARDATION, AND VENEREAL DISEASE) TO APPROPRIATE FACILITIES AND/OR PROGRAMS

Formal legislative authorization for the diversion from the juvenile justice system of minors with socio-medical problems is urged.

The "Alcoholism and Intoxication Treatment Act of 1974" sets a precedent for the use of treatment instead of criminal sanctions in cases of excessive alcohol consumption. This act, while not excusing criminal offenses committed under the influence of alcohol, does prohibit the use of detention for alcohol abuse alone. Similar legislation should be sought for drug abuse, mental illness and retardation.

The Department of Corrections, in the Illinois County Jail Standards in the chapter on "Unusual Inmates," recommends the diversion of alcoholics, drug abusers, and the mentally ill from the county jail. The same recommendation should hold for juvenile detention facilities.

Juveniles who have committed no offense shall not be detained solely because of drug or alcohol abuse. Those who are charged with the commission of an offense, however, shall not be denied emergency medical treatment (i.e. detoxification) in appropriate facilities and under the supervision of qualified physicians. In 1973, with the exclusion of Cook County, Illinois county jails housed 348 juveniles for a total of 893 days for alcohol and drug abuse. This total includes

minors who committed motor vehicle violations involving possession and/or alcohol intoxication, and those charged with possession and use of drugs but not sale.

Juveniles affected by mental illness, disturbance, or retardation, even when charged with the commission of an offense, shall be immediately referred to appropriate facilities and programs for diagnosis, care and/or specialized treatment. In 1973, of all juveniles held in county jail facilities, 23 were identified as mental cases and were held for a total of 159 days, an average of about seven days per person, either awaiting release or referral to medical facilities. Whatever the reason for their detention, it is obvious that these juveniles were in need of a type of care that cannot be provided in detention facilities by law enforcement personnel. Such a practice is inexcusable and must be stopped immediately.

Juveniles affected by non-communicable forms of venereal disease shall receive appropriate medical care in community facilities when detention is not deemed necessary, and under the supervision of a qualified physician while in detention. Those with communicable forms of venereal disease, regardless of the offense allegedly committed, shall be referred immediately to residential medical facilities for diagnosis and treatment. If secure custody is required, it should be provided within the medical facility. For these cases the law should provide for deferment of the adjudicatory process and the use of continuance under supervision.

13 - REVIEW PROCEDURES BE ESTABLISHED TO PROVIDE
AN OPPORTUNITY TO RESOLVE ALLEGED DELIN-
QUENCY WITHOUT THE FILING OF A PETITION

The filing of a delinquency petition should be subject to review by the intake officer and approval by the State's Attorney in order to resolve any conflict as to whether a formal court proceeding and the labeling as a "delinquent" are in the best interest of the child.

The intake officer would have the responsibility to identify the specific need of the minor on whose behalf the filing of a delinquency petition is contemplated and, after careful consideration, select the course of action that is most likely to benefit the minor in question. The State's Attorney would have the responsibility to evaluate, from the legal standpoint, the gravity of the offense, the legitimacy of the complaint, and possible effects of court intervention. After consultation with the complainant, the minor's parents or guardians and the intake officer, the State's Attorney would either approve or disapprove the filing of the delinquency petition. In a case of disapproval, the State's Attorney would recommend the alternate course of action that in his opinion is the most appropriate.

Implementation of this recommendation will require amending the Juvenile Court Act, Section 703-8, by adding the following paragraphs:

Any adult person, agency or association by its representative seeking the filing of a delinquency petition is required to submit to the State's Attorney an "intent to file" a delinquency petition in respect of a minor under this Act. It is further

required that such a person, agency or association by its representative confer in a preliminary conference with the State's Attorney and/or the Intake Officer.

The State's Attorney and the Intake Officer may not prevent the filing of a delinquency petition by any person who wishes to file a petition under this Act.

Under the present law many unnecessary petitions reach the judicial level before being reviewed, thus taking up much court time. The establishment of a review mechanism, such as the one proposed here, will increase the likelihood of adjusting many such cases without the filing of a petition. Although the recommended amendment will not prevent any person from filing a delinquency petition, it is hoped that it will discourage the filing of those petitions which have little or no merit.

During the review process, the Intake Officer and the State's Attorney primary function will be to single out:

1. Cases where the filing of a delinquency petition is against the best interest of the child.
2. Complaints where the offense committed is so minor or the circumstances are such that court intervention will serve no practical purpose.

The establishment of a review mechanism for delinquency petitions prior to court intervention will benefit the juvenile justice system by:

- A. Providing a common screening point and assuring a high degree of uniformity in the filing of delinquency petitions.

- B. Preventing, in most cases, abuses in the filing of delinquency petitions.
- C. Reducing the overall number of petitions filed.
- D. Reducing juvenile court caseloads.
- E. Providing an incentive for the expanded use of non-judicial, community based alternatives.

14 - STATE AGENCIES MUST PROVIDE TECHNICAL ASSISTANCE TO LOCAL JUVENILE JUSTICE SYSTEMS FOR THE DEVELOPMENT OF VIABLE ALTERNATIVES TO DETENTION AND PROSECUTION OF JUVENILES.

In 1967 the President's Commission on Law Enforcement and Administration of Justice recommended that alternatives to the juvenile justice system be formulated and implemented.¹

To date, in most Illinois counties, primarily because of lack of leadership and adequate assistance,² the Commission's recommendation has not been fully implemented. The only statewide exception being the discretionary diversion of offenders by police officers in the form of street and station adjustments.

The National Institute of Law Enforcement and Criminal Justice estimated that as many as eight out of ten juveniles contacted by law enforcement agencies are released without formal processing.³ A Southern Illinois University survey of 224 departments in 89 Illinois counties revealed that, in 1971 and 1972, over 76 percent of all minors contacted were adjusted and diverted out of the system.

¹ President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, Washington, D.C.: U.S. Government Printing Office, 1967, p. 2.

² The Illinois Law Enforcement Commission and the Supreme Court Committee on Criminal Justice Programs are currently providing, on a limited basis, technical assistance to the local level for the development of alternatives.

³ National Institute of Law Enforcement and Criminal Justice Diversion from the Juvenile Justice System, Washington, D.C.: U.S. Government Printing Office, 1973, p. 1.

Diversion at the police level is essential, as the above statistics indicated. Without it the juvenile justice system would, very likely, be overloaded to the point of paralysis. Equally important, however, are diversion and use of community based alternatives following police screening.

The discretionary authority of law enforcement agencies shall never be extended to the functions of detaining, adjudicating, and sentencing. Law enforcement agencies' proper role is to detect crime and apprehend suspects and, by virtue of their discretionary authority, decide whether a case can be adjusted and thus not be referred to court services.

Following the police decision that a case cannot be adjusted, a referral shall be made to a designated court agency for a decision concerning the desirable degree of penetration of the case into the system, if any (see Intake Service recommendation). However, for the system to serve the offender's needs effectively, a variety of programmatic alternatives must be made available at the local level.

The State should take the leadership and develop, for immediate implementation, a plan to provide the necessary assistance for the creation of such alternatives. Assistance is particularly needed in the areas of:

- a. Development of alternative programs
- b. Program coordination and evaluation
- c. Screening techniques
- d. Referral policies and procedures
- e. Training of intake personnel
- f. Record-keeping and reporting

The Detention Planning Unit recommends that the Administrative Office of the Illinois Courts, the Department of Children and Family Services, the Department of Corrections, and the Department of Mental Health immediately establish a joint task force for the purpose of coordinating their efforts and setting respective responsibilities. Following are some of the responsibilities, by department, that the Detention Planning Unit has identified:

1. ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS IN CONJUNCTION WITH JUVENILE DIVISIONS OF CIRCUIT COURTS

- a. Support legislation authorizing the establishment of 24-hour Intake Services throughout the State.
- b. Set selection criteria for diversion from the system of minors (pre-adjudication court adjustment).
- c. Set selection criteria for direct referral to community based programs (alternatives to pre-adjudication detention).
- d. Develop referral policies and procedures.
- e. Provide professional training of intake personnel (certification).

2. DEPARTMENT OF CHILDREN AND FAMILY SERVICES IN CONJUNCTION WITH LOCAL INTEREST GROUPS

- a. Support legislation authorizing the establishment of 24-hour Intake Services throughout the State.
- b. Negotiate contractual agreements with private agencies to expand the use of programs and delivery of services to pre-delinquent and first time delinquent children.
- c. Develop a statewide plan for the establishment of additional community based residential

facilities such as shelter care, foster homes, group homes, etc.

- d. Prepare and annually update county resource directories.
- e. Establish standards and inspection procedures for the purpose of licensing alternative programs and facilities to be used for pre-delinquent and first time delinquent children.
- f. Establish review procedures to periodically evaluate all alternative programs and services under DCFS jurisdiction.

3. DEPARTMENT OF CORRECTIONS IN CONJUNCTION WITH CIRCUIT COURTS

- a. Seek legislation authorizing the establishment of 24-hour Intake Services throughout the State.
- b. Seek legislative appropriation to expand the development of community based alternatives to institutionalization of delinquent children.
- c. Establish review procedures to periodically evaluate all community based programs and services under the Department's jurisdiction.
- d. Develop uniform record keeping systems for use by intake services and all agencies administering programs and delivering services.
- e. Provide on request technical assistance to:
(1) non-profit organizations and agencies willing to develop alternative programs and services for delinquent children, (2) juvenile division of circuit courts for the development of diversion alternatives to reduce the number of minors processed through to adjudication, and (3) local jurisdictions for the development of alternatives to detention homes when secure custody is not required.
- f. Train intake personnel to develop basic statistical information on juvenile delinquency, number of referrals, recidivism, juvenile population by program, cost per client, etc.

4. DEPARTMENT OF MENTAL HEALTH IN CONJUNCTION WITH LAW ENFORCEMENT AGENCIES & JUVENILE DIVISIONS OF CIRCUIT COURTS

- a. Support legislation authorizing the establishment of 24-hour Intake Services throughout the State.
- b. Develop statistical information to assess the amount and type of medical programs and facilities needed to serve juveniles with socio-medical problems.
- c. Develop screening techniques to enable law enforcement officers to identify cases needing immediate attention.
- d. Set selection criteria for referral of socio-medical cases to appropriate facilities and programs by intake officers.
- e. Develop referral policies and procedures for both official and unofficial socio-medical cases.

It is the State's responsibility to foster systemic changes to adequately satisfy the needs of its citizens. An entrenched system, resistant to change, cannot serve a dynamic society. Unless the State assumes the leadership, through its various departments, the juvenile justice system will continue to fail, often with costly social consequences.

15 - STANDARD AND UNIFORM RECORDING SYSTEMS BE DEVELOPED STATEWIDE FOR ALL SEGMENTS OF THE JUVENILE JUSTICE SYSTEM. HOWEVER, PRIOR TO THE DEVELOPMENT OF THE VARIOUS RECORDING SYSTEMS, IT IS NECESSARY THAT A GENERAL AGREEMENT BE REACHED ON THE TERMINOLOGY TO BE USED.

The confusion, scarcity, and unreliability that characterize the few existing records was perhaps the most frustrating aspect of the survey conducted by the Detention Planning Unit.

To date, none of the counties has a system-wide recording system. Information retrieval procedures are non-existent and, in many instances, there is no one person assigned specifically to the task of collecting and recording information.

Obviously, under those conditions most management and policy decisions must have had a less than rational basis. Feedback and evaluation are reduced, perhaps, to the simple statement "it did not work," with no means available to discover why it did not work.

The criminal justice system can no longer function on "hunches" and "gut feelings."

A heavy emphasis on studies to improve the quality of management can be expected. Current management theory stresses continuous research for information, verification of results, and projection of future requirements.¹

¹ National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Washington, D.C.: U.S. Government Printing Office, 1973, p. 498.

Accurate and uniform record-keeping systems are a must for vital activities such as:

- a. Identification of problem areas
- b. Determination of workload requirements
- c. Projection of future needs
- d. Resources production and allocation
- e. Cost-benefit analysis
- f. Evaluation of program achievement
- g. Evaluation of policy and decision-making

The total absence of records in many cases, and the high degree of unreliability in others, have made it very difficult to even estimate the total number of juveniles involved in the system, much less to determine the kind of care and assistance they need.

However, before uniform record-keeping systems are developed, it is necessary that a general agreement be reached on criminal justice terminology. Common definitions must be formulated and agreed upon for terms such as contact, arrest, offense, adjustment, detention, jail, etc.

It is therefore recommended that the Department of Corrections make its planning capabilities available to the local level in the form of technical assistance to develop and monitor record-keeping systems at all levels of the juvenile justice system.

16 - GUIDELINES AND PROCEDURES FOR THE MANDATORY
USE OF "CONTINUANCE UNDER SUPERVISION" BE DE-
VELOPED BY THE COURT SO AS TO REDUCE THE NUMBER
OF JUVENILES REACHING THE DISPOSITIONAL STAGE.

With the establishment of the proposed 24-hour intake services throughout the State, new and more positive efforts will be made to limit the penetration of juveniles into the justice system. "Continuance under supervision" could significantly contribute to the efforts to limit such penetration by eliminating, in many instances, the need for court adjudication and disposition and without the stigma generally associated with a finding of delinquency.

There is already a provision under Chapter 37, Section 704-7 of the Illinois Revised Statutes 1973 for the use of continuance under supervision:

Continuance Under Supervision. In the absence of objection made in open court by the minor, his parent, guardian, custodian or responsible relative, the court may, before proceeding to findings and adjudication, or after hearing the evidence but before noting in the minutes of proceeding a finding of whether or not the minor is a person described in Section 2-1, continue the hearing from time to time, allowing the minor to remain in his own home subject to such conditions as to conduct and visitation and supervision by the probation officer or other designee of the court as the court may prescribe.

It is recommended, however, that guidelines and procedures for the mandatory use of this statutory provision be developed by the Administrative Office of Illinois Courts. These guidelines should specify conditions under which continuance under supervision would be granted, and set minimum and maximum limits for its duration.

17 - AUTHORIZE AND FUND THE DEPARTMENT OF CORRECTIONS, IN CONJUNCTION WITH THE ADMINISTRATIVE OFFICE OF ILLINOIS COURTS, TO CONDUCT FOUR PILOT PROJECTS TO IMPLEMENT PROPOSED CHANGES TO THE JUVENILE JUSTICE SYSTEM IN SELECTED AREAS OF THE STATE

In order to develop sufficient and appropriate factual information to enable the Legislature to assess the merits and economic feasibility of statewide implementation of diversion and community based alternatives, it is recommended that the Department of Corrections, in conjunction with the Administrative Office of Illinois Courts, seek legislation to authorize and fund four pilot projects in selected areas of the State.

The four projects will provide the opportunity to:

1. Test and refine methods and techniques for diversion and alternative programs implementation.
2. Establish uniform record-keeping and reporting systems needed for:
 - a. Evaluating programs and services
 - b. Projecting needs and costs
 - c. Updating and revising plans
 - d. Planning programmatic and systemic changes
3. Evaluate effectiveness of individual programs on the basis of parameters such as detention rate, incidence of crime, recidivism rate, program cost vs. crime cost, number of victims, number of offenders, etc.
4. Assess the cost involved in developing and implementing statewide community based programs and services.
5. Develop various funding formulas and set funding criteria for legislative consideration.

Each project shall include, among its elements, the following:

1. A 24-hour Intake Service, under the jurisdiction of circuit courts, to receive and screen all children referred to the court system. Primary responsibility of the intake officer would be to
a) assure that only children requiring secure detention are held in approved detention facilities,
b) children requiring specialized care and treatment are referred to appropriate programs and facilities, and c) cases not requiring court intervention are afforded effective alternatives.
2. The development of community resources as alternatives to detention and institutionalization of children when secure custody is not required, and to court processing when court intervention is not likely to produce measurable benefits.
3. Contractual arrangements among counties, preferably on a circuit-wide basis, for multi-county use of detention facilities and services, foster homes, shelter care, group homes, etc.
4. The development of standard and uniform recording and reporting systems for use by law enforcement agencies, intake officers, juvenile probation officers, juvenile courts, and any other agencies handling juvenile cases.
5. Identification and regulation, by the Department of Corrections, of the type of holding facilities law enforcement agencies are authorized to use to hold juveniles while attempting to locate parents, during initial questioning, pending transportation and intake interview, etc.
6. Training and allocation of manpower to programs and services.
7. Monitoring and evaluation of all programs and services provided under the project.
8. Identification of specific responsibilities in the areas of planning, implementation, administration, regulation, monitoring and evaluation, and funding of individual programs and services.

It is recommended that the duration of the four projects not exceed a two-year period, and that a detailed evaluation of each project be submitted to the Legislature.

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