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12+ Hours a Day: How Juvenile Detention Centers Diminish the Goal of Rehabilitation in Juvenile Justice

Melanie Persangi

The primary goal of the juvenile justice system is *supposed* to be rehabilitation.¹ Unlike adult criminal courts that enforce punitive measures, juvenile courts are not designed to punish. Instead, they are designed to practice rehabilitative measures through positive reinforcement so they can reduce any further juvenile criminal behavior. Therefore, the rehabilitative model that juvenile courts are built upon “acts to further the offender’s best interests rather than to punish. . . [them.] [Y]outhful offenders. . . [should be] regarded not as criminals, but as wayward children in need of help.”² The reason as to why juvenile courts depend on a rehabilitative model is because the system wants to help these children and teenagers reintegrate into their communities in a meaningful way and to eradicate future delinquency so these kids will not be caught within the cycle of recidivism. However, the system is failing to actually practice rehabilitative measures in juvenile detention facilities. In some juvenile detention centers, the staff are instead using punitive measures to control the juveniles they oversee, which in turn can be detrimental to the health and well-being of the kids. One example of a punitive measure used in detention centers is room confinement, which is the “involuntary placement of a . . . juvenile alone in a cell, room, or other area for any reason.”³ The conditions and practices currently within juvenile detention centers need to be changed back to more rehabilitative ones so the youths in these facilities can get the adequate help and care they need.

Illinois created the first juvenile court in 1899.⁴ Since its creation, “its stated priority has always been rehabilitation of youth.”⁵ In fact, the Illinois Juvenile Court Act of 1987 states that one main important purpose of juvenile courts is “[t]o provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile

¹ Anna Louise Simpson, *Rehabilitation as the Justification of a Separate Juvenile Justice System*, 64 CALIF. L. REV. 984, 996 (1976).

² *Id.* at 984.

³ 18 U.S.C. § 5043 (2018).

⁴ GENE GRIFFIN, BLUE RIBBON COMMITTEE, FINAL REPORT OF THE BLUE RIBBON COMM. Chair 6 (2022).

⁵ *Id.*

offender.”⁶ Therefore, it has always been the main objective of the Illinois juvenile court systems to focus on rehabilitating the youths that get involved with the criminal justice system.

The Cook County Juvenile Temporary Detention Center (“JTDC”) was built in 1973.⁷ It is “a five-story fortress with courtrooms and a public school that houses as many as 175 youths on any given day on Chicago’s West Side.”⁸ As the “largest standalone juvenile detention facility in the country,” it houses ten to twenty-one year old minors and can hold up to 382 youths.⁹ There are three floors of living areas, along with the courtrooms, administrative offices, and offices of the public defender, state’s attorney, and public guardian.¹⁰ The JTDC is a prime archetype for juvenile detention centers around the U.S.

Recently, the Cook County JTDC has been under scrutiny due to a recently released report from a “blue ribbon’ committee convened last year by Cook County Chief Judge Tim Evans.”¹¹ The report revealed that all of the youth in the facility were forced to spend at least twelve to thirteen hours a day confined to their small cells overnight.¹² There were even 300 times within one month in which the minors were kept within their rooms for a minimum of sixteen hours in a day for reasons that were not deemed punitive.¹³ The overall consensus is that the approach the JTDC takes “is isolating and deprivational, rather than rehabilitative and relational.”¹⁴ JTDC’s definition of room confinement does not technically reach the severity of solitary confinement “because with room confinement the youth (1) does not experience sensory deprivation; (2) engages in educational, vocational, or rehabilitative programs; and (3) has meaningful contact with other individuals.”¹⁵ However, the report concedes that “[w]hile the JTDC does not engage in solitary confinement, the

⁶ 705 ILL. COMP. STAT. ANN. 405/5-101.

⁷ GRIFFIN, *supra* note 4, at 5.

⁸ Jonah Newman & Carlos Ballesteros, *Cook County Juvenile Jail Using ‘Semantics’ to Hide Many Hours Youths are Isolated: Report*, INJUSTICE WATCH (Aug. 23, 2022), <https://www.injusticewatch.org/news/juvenile-justice/2022/juvenile-detention-center-room-confinement-report/#> [<https://perma.cc/8ZLW-3A7F>].

⁹ GRIFFIN, *supra* note 4, at 5.

¹⁰ *Id.*

¹¹ Newman & Ballesteros, *supra* note 8.

¹² *Id.*

¹³ Ben Bradley, *Report: Kids Locked in Isolation 12+ Hours/Day in Cook County Juvenile Center*, NEXSTAR MEDIA INC. (Aug. 24, 2022, 3:11 PM), <https://wgntv.com/news/wgn-investigates/report-kids-locked-in-isolation-12-hours-day-in-cook-county-juvenile-center/> [<https://perma.cc/3JV4-UECU>].

¹⁴ *Id.*

¹⁵ GRIFFIN, *supra* note 4, at 11.

current JTDC environment is much closer to the solitary confinement end of the continuum than to the healing, rehabilitative end.”¹⁶

Assistant Public Guardian Nicholas Youngblood works in the Juvenile Division of the Office of the Cook County Public Guardian. As a public guardian, his duty is to provide legal representation for children who are deemed wards of the court. As attorneys that represent juveniles, public guardians are “subject to both statutory and ethical obligations that require. . . [them] to meet with. . . [their] clients in order to ascertain their needs, adequately represent their interests and work to ensure their safety.”¹⁷ Youngblood mentions that seclusion is a common tool used to control or manage behavior of the kids in JTDC.¹⁸ Seclusion is not an uncommon practice in child welfare—it is also used in residential facilities managed by the Department of Children and Family Services (“DCFS”).¹⁹ However, the rooms used for seclusion in DCFS residential facilities are much safer due to being large, having padded walls, having lots of light, and even having medical professionals overseeing the kids placed in seclusion.²⁰ Meanwhile, the effects of seclusion are magnified in the juvenile detention context because the kids are being held in a small brick room, which is horrible for their long-term well-being.²¹ Unfortunately, mental health intervention is too hard, cost-ineffective, and time-consuming for staff in the JTDC—it is much easier for the staff to manage the kids’ behavior by putting them in their cells.²²

Juveniles are sent to JTDC after a judge decides it is the best option for the safety of both the kids and the community at large.²³ While the JTDC is meant for short-term detention (up to thirty days), a lot of the juveniles in JTDC who are also involved with DCFS may stay for weeks, or even months, longer because DCFS has not picked them up from the detention center.²⁴ This has a huge negative impact on these kids, especially because a large percent of the time spent in detention center is spent in seclusion.²⁵ Mr. Young-

¹⁶ *Id.*

¹⁷ *Juvenile Division*, COOK CNTY. PUB. GUARDIAN, <https://www.publicguardian.org/juvenile-division/> (last visited Dec. 18, 2022).

¹⁸ Telephone Interview with Nicholas Youngblood, Pub. Guardian, Off. of the Cook Cnty. Pub. Guardian (Oct. 25, 2022).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

blood mentions that the staff can be really great individuals, but “what is really concerning is, if you take a group of really great people and staff them in an institution like this, the system still unfortunately traumatizes the kids whether or not the staff have good intentions.”²⁶ Moreover, the trauma experienced in detention centers impacts the children more since their brains are not yet fully formed.²⁷

Assistant Public Defender Lee Shevell represents juveniles in court who are accused of committing crimes. She has quite a lot of direct contact with these kids since she represents them. She mentions that most of the kids coming into JTDC have identified mental health concerns, but their mental health is greatly worsened by seclusion.²⁸ Mental health isn’t being addressed while in the detention center, and none of it is being processed.²⁹ She asks the resonating question, “If our goal is rehabilitation, and we put such rigid expectations and consequences on the kids in JTDC, then what are we really saying?”³⁰ She also mentions that “if you are living in a place like the JTDC, you don’t have control over anything, and you have no trust in any of the staff or institutional actors, which makes the amount of trauma, anxiety, fear, and distrust worse.”³¹

Room confinement can have detrimental effects on a juvenile’s physical, emotional, and mental health. Surely, being left alone within a small room for twelve to sixteen hours each day can have severe negative effects on a person, yet alone an adolescent. In fact, “[c]ommittee members noted there is a large body of research documenting the physical and psychological harm caused by prolonged solitary confinement.”³² The staff in the JTDC maintains that the twelve to thirteen hours of confinement is only for sleeping hours. Even if that is the case, the Blue Ribbon report found that “no healthy teenager sleeps during that [large] stretch of time.”³³ In fact, one child and adolescent psychiatrist, Dr. Renee Mehlinge, confirms that this prolonged room confinement is not suitable for minors and that “even short-term stints in isolation can cause serious harm to detained youths, especially if they already suffer from mental

²⁶ *Id.*

²⁷ *Id.*

²⁸ Telephone Interview with Lee Shevell, Assistant Pub. Def., Law Off. of the Cook Cnty. Pub. Def. (Oct. 25, 2022).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Bradley, *supra* note 13.

³³ Newman & Ballesteros, *supra* note 8.

illnesses or substance abuse.”³⁴ Instead of engaging with the minors and taking care of their needs, the “primary function of unit staff is to maintain custody of the youth.”³⁵

The Covid-19 pandemic exacerbated existing problems. Mr. Youngblood mentions that, because of the pandemic, the use of seclusion has proportionately increased because of staffing problems.³⁶ Even the youths themselves have reiterated that the pandemic caused the feelings of isolation in the juvenile jail to be even more isolating.³⁷ The number and duration of nonpunitive confinements increased greatly in 2020 and 2021 due to the pandemic.³⁸ On top of increasing nonpunitive room confinements, the teaching restrictions and discontinuation of programs due to the pandemic even further isolated the minors.³⁹

While the Blue Ribbon Committee concluded that the JTDC “violates the Illinois Juvenile Court Act by not focusing on rehabilitation and offering programming, beyond schooling, to help those in custody,” not all hope is lost for juveniles in these facilities just yet.⁴⁰ The report includes a variety of recommendations in order to instill plenty of rehabilitative conditions and practices so juvenile detention centers can get back on track to the goal of youth rehabilitation. The main recommendation is that the facilities “should be permanently shut down and replaced with smaller, community-based facilities focused on rehabilitation.”⁴¹ Assistant Public Guardian Youngblood supports this recommendation because “big is not good when it comes to detention for kids, so is worth trying. They don’t need to necessarily rip the detention center down—they can try a pilot program.”⁴² He mentions that the kids should not be treated as guinea pigs, but it might be worth it to place lower risk kids in homes and at least see how things go so they can slowly transition from there.⁴³ After all, “don’t we owe it to the kids to do better?”⁴⁴ Ms. Shevell makes it a point that we also owe it to the communities.⁴⁵ In support of this

³⁴ *Id.*

³⁵ Bradley, *supra* note 13.

³⁶ Telephone Interview with Nicholas Youngblood, *supra* note 18.

³⁷ Bradley, *supra* note 13.

³⁸ Newman & Ballesteros, *supra* note 8.

³⁹ GRIFFIN, *supra* note 4, at 4.

⁴⁰ Bradley, *supra* note 13.

⁴¹ Newman & Ballesteros, *supra* note 8.

⁴² Telephone Interview with Nicholas Youngblood, *supra* note 18.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Telephone Interview with Lee Shevell, *supra* note 28.

recommendation, she states, “If you have 8-10 children you know extremely well in one home, that de-escalation is much more manageable. Doing it like this is a more rehabilitative way.”⁴⁶ While this recommendation is merely a pipedream at this stage, juvenile detention facilities should still try to reinstate conditions, practices, and programs that have more of a rehabilitative end-goal in mind. For example, as a first stepping stone, there needs to be a significant increase in the accountability and transparency of administrations and staff at these facilities so they can receive critical feedback that will ultimately help them get back onto the path towards the restorative model.⁴⁷

In today’s day and age, juvenile detention centers are not instilling conditions and practices that reflect the primary goal the juvenile justice system had when it was created. There has been a diminished effort into the care and custody of the youths in juvenile detention facilities across the nation. Recently, the JTDC has released a report on October 25, 2022, addressing improvements they will be implementing in the detention center, such as limiting disciplinary confinement to 30 minutes and pushing back the bedtimes by one hour.⁴⁸ This is a step in the right direction, but there is still a lot more work to be done. Surely, Cook County is not the only place in which minors within juvenile detention facilities are not having their needs adequately met. The need for prioritization of youth rehabilitation is urgent within detention centers. If government officials do not act soon in addressing this need and enacting change within all juvenile detention centers in the United States, then the future of the adolescents locked up in these facilities are ultimately doomed for a harrowing future.

⁴⁶ *Id.*

⁴⁷ GRIFFIN, *supra* note 4, at 4.

⁴⁸ *Chief Judge Evans Announces Improvements for Juvenile Temporary Detention Center*, CIR. CT. OF COOK CNTY. (Oct. 25, 2022), <https://www.cookcountycourt.org/MEDIA/View-Press-Release/ArticleId/2969/Chief-Judge-Evans-announces-improvements-for-Juvenile-Temporary-Detention-Center> [<https://perma.cc/BQN6-MA9B>].