

September

20
26



Rehabilitation vs. Punishment in the Juvenile Justice System in Illinois

WRITTEN BY:

Braelyn Arnold

By the Future Justice Lawyers of Chicago

Introduction

Kids often make mistakes, some bigger than others. Due to America's poor understanding of psychological differences between adults and children, they felt the need to punish children the same as adults. This led to the first juvenile detention center made in the United States, the New York House of Refuge, which opened in 1825, while the first juvenile court was made in Cook County, Illinois, in 1899.¹ As time has progressed, so has our knowledge about how our brains work. It's now well known that children's and teenagers' brains are much less developed than an adult's. Our brains typically stop “growing” at the age of 25.² My question is: how has knowledge of children's brains increased so much, yet we still haven't changed how we respond to it?

In this paper, I will address that problem by arguing for rehabilitation rather than punishment in Illinois juvenile justice. First, I will define both words: rehabilitation and punishment. The Merriam-Webster dictionary defines rehabilitation as “the action, process, or result of rehabilitating or of being rehabilitated: such as the process of restoring someone (such as a criminal) to a useful and constructive place in society”. Punishment is defined as “to impose a penalty for a fault, offense, or violation”. I will also be using the word diversion later in this paper. Diversion is the process of redirecting justice-involved youth away from formal processing and further involvement in the criminal justice system by providing youth with social services and resources and/or sending them home without further action. As of right now, I am a 17-year-old girl and obviously still a child- my frontal lobe is not fully developed. So, it is rather easy for me to think about a time when both punishment and rehabilitation were used in my own life as a child and how I reacted to each.

As expected, I am more susceptible to being taught how and why my words or actions were wrong, rather than being just punished. I have never been incarcerated, but I am referring to times of being corrected by friends or family for saying something I shouldn't have, or going somewhere I knew would anger my mom. In those moments of correction, let's take me being out past curfew as an example. I was more understanding when my mom would talk to me about why my being out late made her upset; it made me see my actions from her point of view and

¹ Pennsylvania State University, *13.3 History of the Juvenile Justice System*, PSU Pressbooks, <https://psu.pb.unizin.org/criminaljusticemclean/chapter/13-3-history-of-the-juvenile-justice-system/>

² Science Insights, *What Age Is a Person's Brain Fully Developed?*, <https://scienceinsights.org/what-age-is-a-persons-brain-fully-developed>

how they affected her. This made me more understanding of how my actions were harmful, rather than her just punishing me without telling me why my actions were harmful. If it were that way, it would lead me to resent my mother for the punishment, not having me understand the harmfulness of my actions.

To summarize, in this paper I will discuss the importance of prioritizing rehabilitation rather than punishment (punishment as in detention centers) in the juvenile justice system. I will talk about factors on both sides, from the cost of each to the mental effects it has on the child. I will then state my call to action and why I resonate with this topic.

Background Information

First, I believe it's important to address why a child would commit such heinous acts that would cause them to be in a detention center. Children often replicate what they see at home. When a child sees their parents or guardians not expressing their emotions, this could cause the child to be unable to name the emotions they feel. If a child were to have a parent or guardian leave them, the child may then grow to have abandonment issues. When a child sees violence within their home, this often leads them to be violent themselves. Kids USA Montessori writes, "Children are like little mirrors, reflecting everything they see and hear in their environment". This continues as younger kids become tweens to teenagers. This age range is where a brain is the most easily influenced,³ so it is only natural that a juvenile would reflect their home life into the world.

This can be a double-edged sword, but I will focus on the effects a rough home life can have on a child: how this relates to their outcome as a person in society. Young adults who have violent tendencies or have committed violent acts often come from years of abuse or neglect. This exposes young minds to toxic stress, leading to a youth's inability to have control over their moods, impulses, or their overall self-control. From this, it shows that adolescent brains are very easily influenced, which leads to the main point of this paper: we should be using rehabilitation rather than punishment in our juvenile justice system.

Research shows time and time again that children's brains are the most moldable, so why not use that to our advantage to reform them into a functional member of society? There are many more benefits to rehabilitation compared to punishment. In Illinois, it costs around

³ Science News Today, *The Teenage Brain: What Happens and Why It Matters*, <https://www.sciencenewstoday.org/the-teenage-brain-What-happens-and-why-it-matters>

\$8,000–\$12,000 per youth annually to rehabilitate them.⁴ The cost to keep a child incarcerated is around \$86,861–\$187,000 per year per youth. In Chicago, youth detention, including pretrial, is heavily funded, with some programs costing \$5 million annually, and daily operational costs estimated around \$514 per youth.⁵ Taking this information, we can see that there is a *clear* cost difference. It costs at most \$12,000 to rehabilitate a child yearly. At most, it costs \$187,000 to incarcerate a child. This leaves a difference of \$175,000. In other words, it costs \$175,000 extra to incarcerate a child rather than providing them with rehabilitation options.

Using forms of rehabilitation addresses root causes: trauma, mental illness, family issues. It provides therapy, education, and job training. Improves social development and reintegration. It also shows strong evidence of behavioral improvement. Youth in rehabilitation programs are ~38% less likely to reoffend.⁶ While punishment/detention centers lead to poor mental health and development. Detention centers are often linked to mental health decline and disrupted education. If we expect and want these children to become functional members of society, but put them in an environment like this. How can we expect a positive outcome when these children are surrounded by constant negative influences in these detention centers? These centers expose young adults to violence and negative peer influence, reinforcing criminal identity. It reinforces criminal identity in adolescents. Illinois facilities were criticized as punitive and lacking proper support.⁷ This further pushes my point that putting children in detention centers doesn't reform them. Rather, it leads them down a road of reoffending and a lifetime of criminal records. Reoffending statistics after being incarcerated are: 87% rearrested within 3 years, 55% reincarcerated, 54% later incarcerated as adults.⁸ This shows that incarcerating the youth rather than getting to the root cause of why the child committed the crime (rehabilitation) will lead more than half of the youth down a path of constant rearrest and offense. How is this beneficial if we want these children to become functioning members of society?

As of right now, Chicago does have rehabilitation services in place for youth. For example, Chicago's new youth diversion/deflection program—a city-run initiative meant to steer young people away from arrest, court, and jail by offering short-term social services instead. But

⁴ Illinois Juvenile Justice Commission, *Core Value: Cost Effectiveness*, <https://ijjc.illinois.gov/about/ijjc-principles/core-value-cost-effectiveness/>

⁵ Ill. Dep't of Hum. Servs., *Redeploy Illinois*, <https://www.dhs.state.il.us/page.aspx?item=61720>

⁶ Gitnux, *Juvenile Rehabilitation Statistics*, <https://gitnux.org/juvenile-rehabilitation-statistics>

⁷ Illinois Justice Project, *Youth Legal System*, <https://iljp.org/programs/youth-legal-system/>

⁸ Illinois Criminal Justice Information Authority, *Examining the Extent of Recidivism in Illinois*, <https://icjia.illinois.gov/researchhub/articles/examining-the-extent-of-recidivism-in-illinois/>

there are many problems with this program. For starters, as of April, 286 kids were referred by police to the program. The parents of 154 kids declined help. Another 38 started and left the program without completing it. Decisions by parents of another 42 were pending, and 17 kids were enrolled in the program but had not yet completed it.⁹ Why have so few youth been given the opportunity of this program? It seems that lots aren't being told of its existence. As for the number of children dropping out of it, this shows this program may not be stable or completely helpful. If there are so many people refusing or dropping out of a program that is meant to help them, it shows a clear sign of a poorly run program.

Many academics who study youth justice voiced concern that the program might not reliably provide kids with survival needs and said unhelpful services might even hurt them instead of helping. This circles back to the point I made above- this program is run poorly and without full consideration of what these adolescents might need. One thing that has remained steady is the percentage of Black or Hispanic kids arrested. In 2023, police made more arrests of Black and Hispanic kids, 3,496, than they did of white kids across the entire past decade. This observation is a part of a very real and ongoing issue of racial profiling and discrimination. This is also greatly related to not offering Hispanic or black children the same opportunities and safety in their communities as given to white children in their communities.

This program hasn't prevented arrests; all participants were arrested before being referred to this program. So this program isn't even preventing arrest, rather providing services *while* being arrested (which hardly makes a difference in the mental well-being of the child). This program also relies on nonprofits with questionable backgrounds, for example: *SGA Youth & Family Services*: A long-established nonprofit that got a large contract (up to \$500,000). They were criticized because past records were described as "inconsistent and frequently inaccurate". *Think Outside Da Block*: A smaller, newer Englewood-based group were criticized for administrative issues, including not being properly registered with the state of Illinois at one point. *Lawndale Christian Legal Center* helped run an earlier police-linked youth program. The article says data about its performance was incomplete or unreliable, making it hard to evaluate. On top of all of this, police help is low and limited within this program

⁹ *For Kids Arrested in Chicago, the City Has Little to Offer*, Injustice Watch, <https://www.injusticewatch.org/juvenile-courts/juvenile-justice/2024/youth-diversion-chicago-failures/>

There are a few things that are working with this program that I would like to highlight. The 35 who completed the program did so by meeting a few benchmarks. It offers young people in Chicago the opportunity for diversion. By successfully completing diversion, youth can avoid going to court and the risk of getting a conviction, and can even potentially get their record expunged. Juveniles who are arrested in the JISC service area (Police Districts 001, 002, 003, 007, 008, 009, 010, 011, 012, 015) can be considered for diversion by the Chicago Police Department. If eligible for diversion, the juvenile may be referred to services in place of incarceration.¹⁰ A Deflection Specialist will then connect the youth and their family/guardian with community-based services. Deflection services include social, educational, medical, substance use, and mental health treatment. Deflection provides law enforcement with more options when encountering troubled youth.¹¹

Call to Action

My call to action is to not completely get rid of the program that is in place, but to fix it. The Illinois Justice Commission has ideas that I have backed, which are: effective deflection (deflection refers to policies, practices, and programs that prevent youth arrest and court involvement) which occurs *instead of*, and not *following*, an arrest. The decision between “counsel and release” or referral to services must be informed by research, guided by clear criteria, and developed with an explicit focus on addressing racial disparities in arrest, deflection, and referral to services. Services must be voluntary, high-quality, and focused on positive youth outcomes. Services must be provided and managed by a human-services entity in the youth’s local community and not by law enforcement agencies. Law enforcement decisions to arrest or deflect, as well as subsequent service provisions, should be transparent to ensure effective program oversight and accountability. Additionally, identify metrics for ongoing monitoring and evaluation.

A new approach to deflection should be based on a logic model that articulates the manner in which counsel and release, as well as service strategies, can minimize harm and reduce court involvement while still promoting accountability. This will help identify program outputs as well as the short- and long-term outcome indicators that can gauge the success of the

¹⁰ City of Chicago, *Justice and Community Safety Reform*, <https://www.chicago.gov/city/en/sites/community-safety/home/jisc-reform.html>

¹¹ Illinois State Police, *Chicagoland Youth Deflection Initiative Launch*, <https://illinois-state-police.prezly.com/chicagoland-youth-deflection-initiative-laumaintainingnch>

deflection efforts. Tracking, measuring, and sharing data regarding the impact of deflection strategies on racial disparities is imperative. To overcome challenges in previous deflection efforts and ensure accountability and effectiveness, it will be essential to carefully monitor program functioning as well as an array of youth outcomes. Also, building and maintaining infrastructure to support ongoing community dialogue as well as transparent data monitoring to demonstrate accountability and outcomes. This means that workgroups and governing bodies will need to include community representation and engage in frequent communication and analysis. Additionally, municipalities will need to utilize technological systems that support service referrals and the documentation of engagement and outcomes.

Why I resonate

I resonate with this topic because I really do believe in second chances. I don't think a choice someone makes at 15 should affect them until they're 40 or even older. I really got connected to this topic of juvenile justice when I took a law class in my junior year of high school as an elective course. I didn't think I would really like the juvenile justice unit, but it turned out to be the topic that spoke to me for many reasons. I disliked how mistreated kids were within the juvenile justice system. Oftentimes, their backgrounds and home lives weren't taken into consideration when incarcerated. Most crimes these kids commit are a cry for help, and I really saw that when in my classroom. The last topic we learned about was children being tried as adults, which made no sense to me. I was often reading cases about a 15-year-old being tried as an adult, but within the child's case, I was seeing clear signs of abuse or neglect in their home life. I was confused as to why not help the kid rather than punishing them even more. Due to the combination of my outrage along with my interest, I landed on this topic for my paper.

Conclusion

In conclusion, Illinois and the rest of the United States need to start treating juvenile offenders as what they are: children. Research has consistently shown that adolescent brains are still developing, yet our justice system often continues to respond to youth mistakes with punishment rather than rehabilitation. While accountability is important, simply locking children away does little to address the real reasons many of them offend in the first place. Trauma, abuse, neglect, mental illness, and unstable home environments are all factors that contribute to juvenile delinquency, and those problems cannot be solved through incarceration alone.

Throughout this paper, I discussed how rehabilitation programs are not only more effective at reducing reoffending rates, but they are also significantly less expensive than detention centers. Rehabilitation gives young people access to therapy, education, job training, and support systems that can help them become productive members of society. Although Chicago's current diversion and deflection programs have flaws that need to be addressed, they also show potential for a better approach. By improving these programs, making services more accessible, and focusing on prevention rather than punishment, Illinois can create a juvenile justice system that truly helps youth instead of simply penalizing them.

At the end of the day, children are going to make mistakes. Some mistakes are small, while others can have more serious consequences. However, a poor decision made during adolescence should not determine the rest of someone's life. If we know that young people are capable of learning, growing, and changing, then our justice system should reflect that reality. Instead of asking how we can punish children more effectively, we should be asking how we can help them become better versions of themselves. Rehabilitation offers that opportunity, and because of that, it should remain the priority within Illinois' juvenile justice system.



Chicago Appleseed Center for Fair Courts is a collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.



The Chicago Council of Lawyers is Chicago's public interest bar association, advocating for the fair and effective administration of justice.



FUTURE JUSTICE LAWYERS

CHICAGO APPLESEED & CHICAGO COUNCIL OF LAWYERS