

# Juvenile justice critique essay

[Law](#), [Justice](#)



Vineet Advani Mrs. Sheaffer English 7 4 December 2011 Should Juveniles Be Tried As Adults Unmoved by his mother's description of him as " a kind and gentle soul," a Harris County jury come to a decision on Wednesday that 18-year-old, Robert Acuna, should be put on a life without parole sentence for murdering two elderly neighbors in a quiet town. Prosecutors presented little elucidation for why the Sterling High School junior, who worked part time at a fast-foodrestaurant, shot James Carroll, 75, and his wife, Joyce, 74, execution style. He has evil in his heart," Assistant District Attorney Renee Magee told jurors as she urged them to return a death sentence (film). Acuna was 17 at the time of the murders. The U. S. Supreme Court plans to consider later this year whether it is constitutional to execute killers who were younger than 18 when they committed their crimes. The age of 18 brings about freedom for young people in America. At 18, an individual legally becomes an " adult". An individual can now buy cigarettes or a home, enter adult-only clubs, vote, and even get married.

Furthermore, from their 18th birthday and beyond, individuals are no longer tried for crimes in juvenile courts. Now, they are tried in adult courts. But, does one or two years make such a difference between sixteen year olds and eighteen year olds? Is it fair for one person, just seventeen years of age, to be tried in a juvenile court, receiving a lesser sentence for murder than an individual just six months older or more in age who committed the same crime? I think not.

Many articles like “ Kids are Kids – Until They Commit Crimes” by Marjie Lundstrom, “ Supreme Court to Rule on Executing Young Killers” by Adam Liptak, “ Startling Finds on Teenage Brains” by Paul Thompson and “ Many

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Kids Called Unfit for Adult Trial” by Greg Krikorian show different views on this topic. But, I think trying juveniles as adults should be consistently allowed because juveniles are mature enough to that murder is wrong; it reduces crime; having consequences harsher for violent crimes in juvenile act as preclusion to the youth; and trying juveniles as adults allows society to express a simple message

Maturity ought to determine culpability, not numerical age. While it is true that juveniles, as a group, are less mature and slower brain development rates and thus, level of maturity varies greatly from individual to individual. According Dr. Moin, Assistant Professor of Law at the University of Alberta, “ Simply because the average youth is less mature than the average adult does not mean that the particular juvenile who commits a heinous crime is less culpable. There may be very mature and calculating youth and very immature and naive adults. ” Furthermore, Dr.

Brian Woo of Pepperdine University Law School states that, “ Rather than consider juveniles as a class in the aggregate, age alone cannot be substituted as a measure of an individual's maturity or psychological development.... Rather than adopt a bright line rule, the Court should allow the jury to factor in any mitigating evidence, i. e. , youth or immaturity, when determining an appropriate sentence. ” Thus, trying juveniles as adults allows culpability to determine the degree and severity of punishment rather than whether or not an individual committed a crime the day before or the day after their 18th birthday.

Punishment is expressive and sends a clear message against crime. Trying juveniles as adults gives society the ability to express the moral outrage of certain acts. According to David Gelerter of Yale University, " we execute murderers in order to make a communal proclamation: that murder is intolerable. A deliberate murderer embodies evil so terrible that it defiles the community. Thus the late social philosopher Robert Nisbet: " Until a catharsis has been affected through trial, through the finding of guilt and then punishment, the community is anxious, fearful, apprehensive, and above all, contaminated. Individual citizens have a right and sometimes a duty to speak. A community has the right, too, and sometimes the duty. The community certifies births and deaths, creates marriages, educates children, and fights invaders. In laws, deeds, and ceremonies it lays down the boundary lines of civilized life, lines that are constantly getting scuffed and needing renewal. " Thus, trying juveniles as adults allows society to express a simple message - certain acts are simply intolerable. Trying juveniles as adults reduces crime.

It is a simple law of economics that by increasing the cost of certain activities, individuals are less likely to engage in those activities. Dr. Moin states that in a study by Dr. Levitt " there was a statistically significant negative relationship between crime rates of juvenile offenders and length of sentencing. " Dr. Moin goes on to state that " What these studies show is that juveniles do respond to arrest rates and punishment, especially for violent crimes, and that they respond at least as much to punishment as adults do. Thus, trying juveniles as adults reduces crime by deterring others and preventing those susceptible to crime from having the ability to do so.

Juveniles are more likely to be raped in the Juvenile Justice System. Rather than protecting juvenile offenders, the juvenile justice system endangers them far greater than the adult system. According to David Kaiser " Across the country, 12. 1% of kids questioned in the Bureau of Justice Statistics survey said that they'd been sexually abused at their current facility during the preceding year. That's nearly one in eight.

In total, according to the most recent data, there are nearly 93, 000 kids in juvenile detention on any given day... we can say confidently that the BJS's 3, 220 figure represents only a small fraction of the children sexually abused in detention every year. " The reason for this epidemic is clear. According to David Kaiser, " Adults who want to have sex with children sometimes look for jobs that will make it easy. They want authority over kids, but no onerous supervision; they also want positions that will make them seem more trustworthy than their potential accusers. In a sense, juvenile detention facilities are like flashing neon lights for potential pedophiles. This is by no means rehabilitative. Having consequences harsher for violent crimes in juvenile acts as an avoidance to the youth. The prevention theory states that if the consequence of committing a crime outweighs the benefit of the crime itself, the individual will be deterred from committing the crime. Professor of law Scot and professor of psychology Steinberg said " first, the threat of harsh sanctions may deter future crime generally by discouraging youths from ever getting involved in criminal activity.

Second, imprisonment prevents crime by incapacitating offenders. Third, imprisonment could reduce future crime by rehabilitating young offenders so

that they will mend their criminal ways" Champion and Mays, Criminal Justice Professors at California State University said Deterrence presumes that punishing an offender will prevent him or her from committing further acts of deviance, or will dissuade others from law-violating behavior, and the transfer of juveniles to adult court should serve a deterrent function.

The adult criminal justice system has a worse punishment than the juvenile court therefore it will serve as a better deterrent factor to stop the juvenile violent crime. Effective deterrence will be able to ensure safety because it will stop the crime before it happens. When the consequences are worse, there will be less crime; therefore Juveniles should be treated as adults in the criminal justice system if they committed a violent crime. Others might say juvenile's brains aren't as developed as adults.

However, you are taught to know what is right and wrong so how does your brain being not fully developed affect your capability of knowing that murder is wrong. According to Terence T. Gorski is an internationally recognized expert on substance abuse, mentalhealth, violence, & crime and others qualified professionals, (Ed. Judy Layzell. Ortiz, Adam. ) " Scientific studies have determined that the human brain undergoes continuous development up to the age of about twenty-one. Because the brains of juveniles, particularly the frontal lobes, are not fully developed, youths lack the ability to perform critical adult functions, such as plan, anticipate consequences, and control impulses," states Adam Ortiz, a policy fellow with the American Bar Association Juvenile Justice Center. Although juveniles should be punished for their crimes, they are not as responsible as adults. " This is the

premise beneath society's across-the-board restrictions on voting rights, alcohol and tobacco consumption, and serving in the armed forces," observes Ortiz. Indeed, this is why we refer to those under 18 as 'minors' and 'juveniles'—because, in so many respects, they are less than adult. " Murder however is a different story since you end someone's life. As I said, Juveniles are TAUGHT to know what is wrong and right. The mentality of the newer generations is generally higher than the children from 30 years ago. Murder is wrong and if juveniles know it's wrong and still commits murder, why should we still go easy on them and treat them as juveniles?

In summary, trying juveniles as adults is justified by both deontological and practical views of justice by ensuring culpability is the standard of punishment all the while deterring crime and protecting juveniles from abuse. From writing this essay, I have learned that if I was a lawyer and I was against a juvenile in adult court, I would treat him like any other criminal because of the severity of their crime not the perpetrator's age. Even though the juveniles are under 18, they still have learned that murder is wrong and I will treat them as if they know that murder is wrong because it is a idea everyone knows.

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