

The juvenile justice system

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



The study primarily aimed to critically examine the changes and evolutions taken place in the juvenile justice system of the United States (US) from its establishment till today. Hence, to cater to this objective, the study focuses have focused on using secondary sources that are relevant to the issue, providing a brief understanding of the juvenile justice system in the US.

Thereafter, discussions and arguments were made with the support of literatures throughout four main eras i. e. from 1800 to 1899, from 1900 to 1999, then from 2000 to 2009 and from the year 2010 to present. US were the pioneer in establishing juvenile courts. With the passage of time, these courts have been established in almost all the states, but the leniency of decisions was not decreasing the rate of juvenile crimes. This forced the system to implement harsh policies and legislative decisions along with the provision of correctional programs such as rehabilitation and other facilities.

Introduction

The objective of this study is to critically analyze the juvenile justice system from the initiation time till present for dealing with the juveniles. This is a wide area, which is aimed to provide an overview of the juvenile justice system with the support of literatures. According to the Juvenile Law Center (2018), the foremost juvenile court was established in the year 1899 in the Cook County, Illinois.

This was initiated with a view that the children committing crimes must be treated differently as compared to the adults. These courts were gradually increasing and, in the middle of 1920s, almost all the states of the US had a separate system for dealing with the criminal offenses committed by the

juveniles. In 1967, the U. S. Supreme Court stated that the youths, who were charged with delinquent offenses, should also be provided with the rights similar to the accused adults.

Subsequently, between 1980s and 1990s, various policies were adopted in the US. This implies that there were steady changes in the justice system with the help of which the rates of juvenile crimes have been reduced over the years. In today's scenario, the juvenile justice system provides and maintains rehabilitation facilities to the delinquents (Juvenile Law Center, 2018). This evolution will be further discussed in detail in the below sections.

Discussion

The movement that took place in the 19th century was the reason that led to the introduction of juvenile courts in the country. These movements were for educational reforms in Europe, which happened to change the perception of the society towards the children (Bilchik, 2000).

In the Beginning

According to Bilchik (2000), in the past, the juvenile criminal offenders were treated in the similar manner as that to the adult offenders, which continued till late 18th century. This was a phase in which children below the age of 7 were assumed incapable of having criminal intentions due to which they were exempted from any kind of punishment or prosecution. The juvenile criminals, who were above the age of 7 were considered for court trials and were treated similar to the adult criminals. If they were found guilty, imprisonment and even death penalties were given to the juvenile offenders.

However, in the year 1825, a society was formed for preventing the juvenile delinquency, who had advocated about separating juvenile offenders from the adults. As a result, separate facilities were started to be given but soon in the mid- century, it gained criticism after which many states took the responsibility. Over the years, Juvenile Court Act in 1899, Illinois established its first court, especially for juveniles (Bilchik, 2000).

It was further stated by Juvenile Law Center (2018) that, many states recognized that the children committing crimes differed from the adults, as they are usually less blameworthy and portrayed greater willingness along with the capacity to incorporate change within themselves.

In The Middle

By the year 1910, major changes took place, 23 states in the US had already established their own juvenile courts or introduced probation services. Until 1925, there were two states, which considered suits in lieu with the punitive actions, thereby providing them treatment facilities to convert delinquents into productive ones. Between the years 1950 to 1960, several criticisms were raised against the juvenile courts' abilities towards the attainment of success in the context of rehabilitation facilities.

These criticisms were mostly related to the increasing institutionalization of the juveniles for infinite period intended to treat them. Hence, considering these criticisms, the Supreme Court recognized the requirement of making the juvenile courts more similar to that of the criminal courts. In the 1980s, due to the increasing criminal offenses, the justice system was lenient to some of groups of offenders and some were removed from those classes.

From 1992 to 1997, many states changed laws concerning to transfer provision, confidentiality, sentencing authority, victim rights, and correctional programs. Moreover, there were states, which raised the age limit to 21 years and at the end of 1997, 20 states allowed correctional sanctions (Bilchik, 2000). On the contrary, Marcus (2004) stated that during the mid-19th-century, the perception towards the correctional treatment for children offenders evolved due to increasing urbanization, especially after the Illinois Juvenile Court Act of 1899. In this context, the state agencies treated the children as per *parens patriae* (Marcus, 2004).

Later

According to Zimring (2017), the US is the pioneer for initiating the concept of juvenile courts with the help of the doctrine of *parens patriae*, which was passed in the late 19th century. In the later years, the policies were reversed, and necessary changes were made in the legal procedures. This made the provision related to severe punishments to those children, who increasingly developed juvenile delinquencies. This strictness was considered in the 20th century as a result of which the rate of juvenile crime was reduced.

This further abolished severe punishment of death penalties in the year 2005. Later on, the punishment of life imprisonment without the provision of parole was also abolished. This was in response to the case of *Roper vs. Simmons*, wherein the death penalty for the offender below 18 years of age was eliminated. This was primarily because the offenders were observed to be immature, more vulnerable to outside pressures, and their personality traits could be easily changed (Zimring, 2017).

It was further mentioned by Feld (2007) that there were several new theories relating to social deviance and human behaviors, which led to the reformulation of the criminal ideology progressively. This further modified the administration of criminal justice, thereby fostering positive criminology. This explained the criminal behaviors, which were probably caused due to biological, environmental, psychological, and social forces (Feld, 2007).

Now

In the beginning of the 21st century, juvenile crimes are still to be decreased irrespective of implementing various laws or policies, which lead to harsh treatment of the juveniles. It is further evident that there are various young offenders, who are still sentenced to death penalties similar to the adults. There are also cases in which it was not necessary to be harsh in treating the juveniles. On the other hand, it was also observed that many offenders were unnecessarily provided with secured facilities. Additionally, many of them were even placed in the solitary confinement.

This created disruption in their educational trajectory forcing the juveniles to be sent in the punitive settings (Bales, Sweetland, O'Neil ; Wald, 2015). The practice of strict disciplinary policies was institutionalized for reducing school violence or negative behavioral problems. However, it was argued by the advocates of civil rights that these practices compelled students or the juveniles to be out of the school premises, as they were pushed into justice systems. Hence, this process was termed as a 'school to prison pipeline'.

It was further observed that there were certain connections between the processes of juvenile justice systems along with the schools' disciplinary

practices. Hence, in the recent context, zero-tolerance policies in the school have been implemented in which in the decisions can be undertaken by the judges in case of minor crimes and violation of the policies are observed in the respective environment. Besides, there are alternative actions that can be taken in place of punitive sanctions for the juvenile criminal offenders (Curtis, 2014).

Most recently, it was reported by Gordon (2018) that the US juvenile justice system has been undertaking certain legislative changes with respect to its actions. For instance, in Washington state, the prosecutors had certain limitations regarding their ability to divert the juveniles from the justice system. This limitation has now been reduced with the introduction of a bill called SB 6550, which created amendments in the Juvenile Justice Act of 1977. Additionally, a new law is also passed, which extended the age limit of juvenile jurisdictions to 25 years for certain specific crimes.

All these changes have been considered to reduce the incarcerated people in the prisons as well as to decrease recidivism rates. This in turn can lead to reduction in racial disparities in the case of sentencing decisions as well. Furthermore, various advocacies and legislative efforts were made concerning the suspension of students.

Hence, this was addressed in the bill of SB 170 in which almost all the suspensions of the third grades were restricted. All these changes imply that the criminal justice needs to be improved through legislative actions such that tracking the information of the juveniles under the justice system. This can also be done under the jurisdiction of the court on an annual basis.

With the passage of the bill HB 740, the support of the school authorities to the interventions can be increased. Moreover, encouraging positive disciplinary practices in the school premises and the creation of a department for monitoring the restorative practices has been already implemented in the schools of the Washington (Gordon, 2018). All these considerations must be made to make the US justice system more effective in dealing with the juveniles, thereby reducing the chances of recidivism along with improving their quality of life.

Conclusion

Therefore, on an overall basis, it can be concluded that there were various changes in the justice system to make it appropriate to deal with the juveniles. Right from the establishment of the first court in 1899 to the introduction of new bills that has been passed for initiating a favorable environment for the juveniles to improve their conditions.

It can be further inferred that the movement of separating the treatment of juveniles from the adult criminals that took place in the 19th century due to the movements back in the 16th century. Soon the concern for the children committing crimes and greater chances of changing their behaviors was highlighted. Because of this, a separate court and justice system was considered for these criminal offenders. Before this, the children were treated to have no intention to commit criminal offenses hence, were not considered to be separate.

With the passage of time, the justice system improved but even with these concerns, it was observed that the juvenile crimes were rapidly increasing.

This was the main reason for the incorporation of strict disciplinary actions by the school authorities through their policies and the judiciary through legislative actions throughout the past centuries till the first 21st century. Hence, in the recent context, changes in the form of bills are considered with a view to make the justice system favorable for the juveniles to provide an appropriate opportunity to improve their living conditions.