

Juvenile jurisdiction “vs” adult jurisdiction

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



JUVENILE JURISDICTION "VS" ADULT JURISDICTION A. Banks Introduction to Criminal Justice —CRN 21737 December 12, 2012 Juvenile Jurisdiction v. Adult Jurisdiction This paper explores the different views that have been in debate among society and the juvenile justice system. Since the inception of juvenile court more than a hundred years ago, the underlying debate has been that juvenile offenders shouldn't go through the adult criminal courts. Juvenile court was originally created to handle minor offenders on the foundation of their youth rather than the crimes they commit, the focus being; to treat and guide the children as opposed to punishing them. Recently there has been a dramatic change in the way juvenile crime is viewed by policymakers and the general public. This shift has led to widespread changes in policies and practices that concern the treatment of juvenile offenders. " The juvenile justice system in the United States has conventionally emphasized individualized treatment and rehabilitation; there has been a movement to redefine them as adults, thus transferring juvenile crimes to the adult court and criminal justice system" (Steinberg, 2009), as opposed to classifying offenses committed by youth as delinquent; " this focus has shifted over the years, however, and while juvenile courts are still directed at reform of young offenders, juvenile proceedings have become more punitive in nature" (Steward-Lindsey, 2006). Over the last 100 years, American society has treated offenses committed by minors as mischievous acts that are less serious, it has dealt with juvenile offenses by treating them as delinquent acts to be adjudicated within a separate justice system, what we refer to today as the juvenile justice system. Theoretically the juvenile justice system is designed to recognize the special needs and immature

status of young people and emphasize rehabilitation over punishment, juveniles have different competencies than adults and need to be adjudicated as such; they also have different potential for change than adults and therefore deserve a second chance through targeted rehabilitation. Most people agree that there are a small number of juvenile offenders that should be transferred to the adult system because they pose a legitimate threat to the safety of other people and the harshness of their offenses warrant a more severe punishment, however, there are many juvenile offenders being prosecuted in the adult criminal justice system that do not belong there; these offenders have largely been charged with nonviolent crimes. When the transfer of youth offenders to adult court becomes the rule rather than the exception, there becomes a fundamental challenge to the very premise that the juvenile court was founded on; “ the fact that adolescents and adults are different” (Steinberg, 2009). “ During the 1980s and 1990s, there was a public push for getting tough with juveniles and trying them as adults, as a result many states passed laws making it easier to try certain offenders as adults, while some states even considered the radical plan of abolishing juvenile courts altogether” (Should Juveniles Be Tried as Adults, 2009). “ Justice stresses that juvenile courts should be abolished, they believe that if juveniles were tried in adult courts, they would be afforded their full array of constitutional rights” (Should Juveniles Be Tried as Adults, 2009). The supporters for the abolition of juvenile courts base their arguments on the need to punish juvenile criminals and to protect the juveniles' rights. Some of their focal points include: * That juvenile court was founded on false grounds because its purpose is to protect

youths from the consequences of their own actions. * Overall juvenile court fails to deter juvenile violence. * The severity of the current juvenile crime problem requires that all juvenile offenders should be punished in order to discourage the next generation of juveniles from becoming predators. On the other side of this argument are many experts that believe that getting rid of the juvenile court will only make things worse. They feel that: * The premise of the juvenile court is good because of the fact that children have not fully matured yet so they shouldn't be held to the same standards of accountability as adults. * The purpose of the juvenile court is to treat and rehabilitate, not to deter or punish. * Changing the social environment in which juveniles live is a more effective in reducing juvenile violence than punishing them in adult courts. " While the denial of full constitutional rights for juveniles is sometimes a problem, the juvenile court's mission is compassion and to serve the best interests of the children" (Should Juveniles Be Tried as Adults, 2009). Because each state sets its own guidelines for the circumstances under which juveniles will be transferred to adult criminal court and how the juvenile will interact with the adult court, it is very difficult to have any unity; every state has a different view, " the entire issue is complicated by the differences in how the juvenile justice system and the adult criminal system in each state handles the various steps in the process from confinement, trial, sentencing, and incarceration" (Should Juveniles Be Tried as Adults, 2007). From state-to-state, the issues that have been brought to the fore front as growing problems from minors being tried as adults include: prisoner-on-prisoner brutality, whether the juvenile remains within the adult criminal system or is transferred back to the juvenile system

and increased recidivism due to what the juvenile learns from elder prisoners. Many people believe that if a teen-ager is locked up with an adult offender, they get more than just a cell mate, they get a role model. In an effort to stop the growing problems associated with minors in adult prisons, a number of states separate juveniles and adults within the prison. “ Judges consider the availability of beds when they determine sentences for juveniles that have been tried as adults and may go so far as putting the youth on probation rather than putting them in an adult prison with adult prisoners” (Should Juveniles Be Tried as Adults, 2007). Brain development is not fully complete until the age of 23, because of this, a teenager is less likely to realize, if they realize at all, just how bad a situation can get if they commit a crime. Most proponents feel that juveniles should be punished, but tried as a child if the crime was committed as a child, when the system thinks they have been properly rehabilitated and competent enough to be released; then they should be released with a plan for on-going supervision, “ they need to be put on probation, and monitored by their probation officer as often as the court decides” (Beeler, 2009). Some states have even incorporated blended sentencing to “ allow youth offenders to be incarcerated in the juvenile system until the age of majority, followed by a period of adult incarceration or other sentence” (O’Neill, 2008). By nature children are less responsible than adults, even when they aren’t doing anything mischievous, and that should always be a factor in determining how to handle juvenile offenders; “ In the last decade, virtually every state has made it much easier to try juveniles as adults. These sweeping changes came amidst widespread alarm that a wave of “ juvenile super predators” was coming – which fortunately

turned out to be false" (Maroney, 2007). The juvenile justice system was originally established to deal with youth offenders in a different way than adult offenders. Trying juveniles in the adult criminal justice system goes against every premise the juvenile system was based on; on the other hand the crimes that are being committed by today's youth are more serious and often more heinous than those that were being committed 100 years ago. This debate about whether to try children as adults has been going on for many years; perhaps alternative resolutions to a growing issue provides the most bi-partisan approach offering understanding for both sides. In the end, doing what is best for the youth and protecting society at all times should be done in a very conscientious way, after all the children are the future, and like anything else, getting the best result later requires giving the best effort now.

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