

# Juvenile rights research paper examples

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## **Juvenile Rights**

The juvenile system is significantly responsible for processing and treating various cases of youthful misbehaviour. The system has developed into an analogous yet independent system of justice with its own nomenclature and regulation of procedure (Goldstein, Condie, Kalbeitzler, Osman & Geier, 2003). Apparently, there are a plethora of similarities and notable differences between the adult and juvenile justice systems (Goldstein et al., 2003). The illustrious difference between the juvenile and adult justice processes are largely symbolic and terminological, and most states do not have specific statutory provisions distinguishing the arrest processes for children from that of adults (Goldstein et al., 2003). However, some of the jurisdictions provide explicit arrest powers to the authorities in juvenile cases, through the authorization of an arrest whenever the child's conduct falls within the jurisdiction of juvenile court (Goldstein et al., 2003).

Adults and juveniles facing criminal charges are subject to various arrest procedures besides receiving various constitutional protections that defend them against police intimidation and self-incrimination (Goldstein et al., 2003). One of the key protections offered to the juvenile at the time of the arrest encompasses the right to receive the Miranda warning. The contents in the Miranda right were established by the US Supreme Court, purposefully to defend them against police deterrence and self-inculcation (Goldstein et al., 2003). Conventionally, Miranda warning is similar for both adult and juvenile system, it is read out aloud and even produced in writing, and the defendants are always provided with an option of either invoking their Fifth Amendment right, which protects one against self-incrimination or waive the

right (Ashenfelter, 2011). However, the protection seems to serve less the purpose of criminal and social justice, in that most of the juveniles are immature and incapable of understanding these rights, thence making erroneous decisions, and this is analogous to Ashenfelter (2011) affirmation that most juveniles lack cognitive and psychosocial maturity, hence, make faulty decisions when presented with Miranda waiver.

The other type of protection offered to the juvenile is the protection from prejudicial lineups, photographic arrays and/or other identification procedures (Thomas III, 2010). Both juveniles and adults justice systems offer such protection to the suspects, and the rules governing these identification procedures vary from state to state (Thomas III, 2010). Nevertheless, in juvenile justice system, the law enforcement officers are usually, forced to obtain a court order before conducting identification procedure (Thomas III, 2010). Moreover, there are few exceptions to these procedures; a law enforcement officer is allowed to take fingerprints and photographs without a court order under circumstances such as when the accused is ten years old or older at the alleged time of committing a non-divertible offence (Thomas III, 2010).

Over the years, this protection has suffered a lot of setbacks amounting to its inefficiency in maintaining justice, and to confirm this, Thomas III, (2010), asserts that identification procedures are accompanied with a plethora of problems. First, the law enforcement officers always carry out the procedures in a poor manner, accompanied with a lot of biasness, and rigging (Thomas III, 2010). Secondly, the procedures used are particularly inadequate, and witnesses may approach them lightly taking into

consideration only their memory of close resembles of the perpetrator (Thomas III, 2010). Lastly, human memory has also been an impediment in this procedure as it can lead to false accusation (Thomas III, 2010).

Another crucial protection afforded to the juveniles is the protection from unreasonable searches and seizures (Lee, 2012). This protection is clearly stated under the fourth amendment of the constitution of the United States, and it is the most eminent constitutional right in policing, attributed to the fact that it involves detentions, stops arrests and searches of people motor vehicles, and places (Lee, 2012). Besides, the application of the fourth amendment, search and seizure clause, is the same for all justice system- adult and juvenile-, and the core consideration of the fourth amendment is the protection of an individual's privacy (Lee, 2012). In conjunction to this, the protection is relatively ineffective attributed to the fact that, at times, it becomes difficult to determine whether a search is reasonable or not, and Lee (2012) avows that there is the lack of adept guidance in the amendment reasonableness, thence making it difficult for police officers to make quick and crucial decisions in the field. Also, the idea of reasonableness balancing is open ended and problematic, amounting to subconscious biasness both on the ground and the courtroom (Lee, 2012).

In a nutshell, juvenile justice system can be termed as a miniature of the adult justice system. Similarly, juvenile justice system is guided by the philosophy of rehabilitation and child protection, and is largely based on the fundamentals of preventive practice. In tandem to this, the system delineates the substantial protections afforded to juvenile offenders, which aid in keeping them away from the strict adults justice system, as well protect their

rights. Nevertheless, the protections afforded to juveniles suffer various holds over, which accrues to various difficulties in serving the purpose of criminal and social justice, but with the constant critique and reviews, the protections can be streamlined so as to achieve the best and intended judicial satisfaction.

## References

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