

Criminal punishment (2)

Business



Differences in the way Juvenile and Adult Offenders are Treated.

In the past and present juvenile delinquency systems have dealt with issues that involve youth who commit status offenses. In the past, the persistently truant and or runaway youth were placed in similar detention facilities just like violent repeat offenders by juvenile. Jensen & Linda (1996) observe that there have been rising concerns about the possible effect of putting status offenders in secure detention. This fact has greatly influenced today's delinquency system. There are two opposing sides concerning the treatment of juvenile offenders. On one end of the debate there are those who advocate for the rights of the youth and the youth's service providers arguing that status offenders should be accorded treatment for family problems.

They go ahead to argue that criminal justice sanctions similar to those subjected to adult offenders, this has incarceration in particular, are inappropriate. The other side of discussion is the aggravated parents who call upon the juvenile courts to give thorough discipline to rebellious juvenile offenders, the youth that is. The law enforcers also want to arrest and detain runaways and truants and finally the juvenile judges, as a way of enforcing their court orders want incarceration as a sanction (Jensen & Linda, 1996). For many years, laws dealing with offenders, liabilities, responsibilities, rights for noncriminal and criminal behavior have differentiated children from adults. There is a detach juvenile justice system that was established in the United States of America in early 1800s whose main objective was to protect juvenile/youthful offenders from disparaging punishments of criminal courts.

The system encourages rehabilitation depending on the juvenile offenders' needs. There are a number of differences that exist between the juvenile system and the adult justice systems. The proceedings are informal in juvenile criminal courts and much discretion is left to the juvenile court judge. In the system, the judge is expected to act in the best interest of the children and hence the procedural safeguards that are usually existent to adults, like right to know the charges brought against an offender, the right to an attorney, together with the right to trial by the jury are decidedly redundant (Donna, 1996). Jeffrey (1996) explains that the system therefore sees children (juvenile offenders) not being charged with crime.

Instead, they are normally charged with delinquency. In addition, the juvenile offenders are not found guilty but they are adjudicated delinquent and they are not supposed to be sent to jail/prison but to juvenile detentions or group homes. The system also ensured that juvenile court proceedings are not open to public and it called for juvenile records to stay confidential in order to avoid interference with the adolescents' or the children's aptitude to rehabilitate and integrate comfortably in the society. The differences are further underscored by the very language that is used in juvenile courts. Nonetheless, there has been always tension between social control and social welfare. The anxiety has been that centering on incapacitation, punishment and protection of society from certain offenses verses those focusing on the best interest of the children.

In the United States of America, juvenile community is taking two perspectives in dealing with the juvenile offenders. In the first instance, they view status offenders as the least serious and problematic among all

offenders and end up issuing little in case of any response or consequences for the youthful offenders. They may also end up dealing very harshly with this population (Donna, 1996). The consequences may take the form of arresting the youth and detaining them in residential placement instead of being jailed in the adult prisons as in the case of adult offenders. Generally, the approach has not worked effectively and critics have been on the spotlight calling for the change of the system. They argue that it has more often than not led to the involved youths getting more deeply engaged in the juvenile justice system.

The juvenile system and adult criminal system remain two different justice systems. In general as already observe earlier, the adult criminal justice system puts more emphasis on punishment of criminals, on the contrary, the juvenile justice system is purely based on rehabilitating the juvenile offenders. Back in time, in early twentieth century, the Progressives perceived children differently (Funk, 2006). They suggested that children were corruptible innocents and therefore their upbringing needed greater structure than it had been regarded previously as precondition to adulthood. This has later echoed by social scientists as they reported that due to children not being fully developed, physically or mentally, they are not to be held accountable for the actions they get involved in similar manner as adults are accountable.

In the justice system, an adult that is convicted and tried of first-degree murder may end up being sentenced to life in prison without parole or may also end up getting a death sentence in accordance to the state the offense was committed (Jeffrey, 1996). This translates into a juvenile tried and

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convicted with similar crime in an adult court receiving the same penalties as those subjected to adults. They end up getting little or no education, no mental health treatment and they also lack rehabilitative programs. In many occasions, the juveniles that end up being charged in adult court systems are not competent enough for standing trial. If a minor ends up not being tried in adult court, the judge hears their case.

It should be noted that there is no jury and it is held in a juvenile court. The judge has the authority to decide what the best interest of the family is. This could involve sentencing the child to a reform school or sending them to a juvenile facility together with a rehabilitation program and finally release as the goal. According to Funk (2006), it is not right for juvenile offenders to be detained or placed in the same facilities like adult offenders. This does not mean that they should be punished for the wrongs they perform but instead, they should get the same degree of verdict just like their adult counterparts in a younger environment. The perpetrators are protected by a lenient and yet a juvenile system that is highly outdated that has been taken advantage of by rebellious and violent youths.

It takes a long time before a youth gets punished for crimes committed, some times it may take even 15 or more crimes. The juvenile system is not adequate enough to deal with the serious crimes that are brought about by juveniles. Trying them as minors isn't any better though, and can not help avert the situation but the measures taken have to be stringent.