

Should young
offenders be tried as
adults?



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Before Victorian times there were no age district for young offenders and all who got in trouble with the law were send to adult prisons. In our days crime is everywhere, children and young people making crimes starting from drugs and gangs all the way to murder. Young offenders committing more and more crimes these days. For most children and young people, getting into trouble is part of the normal business of growing up, testing the boundaries and finding one's place in the world. There are many reasons why children and young person's start committing crimes: violence at home, money problems, bored dome, learning problems, poor housing, availability of alcohol and drugs, friends influence, low grades at school and etc. Should children and young offenders be treated differently from adults?

Social reformers campaigned to protect children from danger and exploitation. One of their key demands was that children should be removed from the ' adult' prison system and placed in privately managed institutions. Mary Carpenter, who argued that three types of institutions were required, free schools for the deprived, industrial schools for young vagrants and beggars, and reformatories for convicted youngsters. (Rutheford, 1986) In England and Wales no child may be guilty of a criminal offence below the age of ten. Between the ages of ten and eighteen, young offenders are dealt with in what is now referred to the ' youth court', distinguishable in style and approach from the adult magistrates' courts, which together with the Crown court, deal with offenders aged 18 or above. (Newburn, 2007) Children who are under ten years old are not responsible and cannot be held for their crimes, they are too young of understanding of consequences of their actions, however in our society today we hear more children under age of

ten committing very serious crimes which they should not be doing. For example The Young brothers who subjected two other boys to a 90-minute attack involving torture and sexual humiliation the pair were jailed in January this year to serve at least five years. The media covered the case extensively. The presiding Judge had set a minimum detention period of five years, because the risk the defendants posed to the public and their lack of apparent remorse meant that they were likely to be locked away for considerably longer. (www. guardian. co. uk)The sentences handed to the two brothers who subjected a pair of boys to an attack involving “ prolonged sadistic violence” and sexual humiliation, were appropriate and will not be referred to the court of appeal, according to the statement issued by attorney general Lady Scotland. The trial judge, Mr Justice Keith, jailed the brothers, for a minimum of five years, but the sentences were indeterminate, meaning they can only be released if the authorities believe they pose no threat to society. It is important to note that in this case the child protection services had failed the public. If the department had taken action against the perpetrators and made thorough investigation as the boys had a long record of violent attacks against other children and adults, this would have been prevented.

Youth between age 14 - 17 are fully responsible for crimes they commit, but they are treated differently from adults, on the other hand if young offenders are able to commit adult crimes why they should be treated differently?

Newburn points out many of the social reformers in the nineteenth century who campaigned to protect children from danger and exploitation demanded that they should be removed from the ‘ adult’ prison system and placed in

state - funded institutions. (Newburn, 2007) Children Act 1908 barred under 14s from prison and restricted the imprisonment of 14 -15 years old. Young people with experience of custody are likely to be the most at risk of reoffending. This is because they are often the most detached from education, training and employment, and are more likely to misuse drugs and alcohol and have mental health issues, which are all know risk factors (Martin Stephenson, 2007). If young offenders will be treated the same way as adults it is more likely they will commit crimes again, because they will be released from adults prison and will have different point of view then realising from juvenile prison or custody. Bob Holman points out that the move to lock up young people reflected a trend amongst adult offenders. Between December 1992 and December 1993, the proportion of offenders jailed by Crown courts rose from 40 per cent to 52 per cent, with the prison population reaching a record nearly 50, 000. Custody must have a place in any justice system. Some people are so violent, so criminal, that their liberty must be removed in order to protect others. (Holman, 1995)

The Crime and disorder Act 1998 made really big changes the way England and Wales courts are dealing with young offenders. Under principle, children aged 10 to 13 were presumed to be incapable of criminal intent unless this intent was proved ' beyond reasonable doubt'. Since the 1998 Act there is no longer any legal requirement for the criminal courts to take formal account of a child's age when assessing their culpability. (Hayden, 2007)

The population of young people housed in prisons and other secure accommodation is exceedingly needy. Almost one - third of young offenders in custody have mental health problems and over half have borderline

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learning difficulties. The result is that children in custody typically have literacy and numeracy ages some four to five years below their chronological ages. One third was reporting that they take drugs not get high, but just to 'feel normal' (Newburn, 2007). The British Survey find out that 12 months before entering prison 13 per cent of male young offenders on remand and 11 per cent of those sentenced to custody has received help or treatment for a mental or emotional problem. (Newburn, 2007)

In conclusion children and adolescents haven't been always treated all that differently from adults. Adolescent is the period in which young people appear to engage in anti-social activities including crime. For the majority there is a marked fall in criminal behaviour during early adult life, though a minority continues to persist in their offending 'careers'. In many ways, therefore, in relation to controlling crime, the aim has been the management of this 'problem population'. For the whole of the last century and into this, children and young offenders have also been seen as a group necessitating an approach different from that employed with adults. (Newburn, 2007)

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