

# History and evolution of the juvenile justice system



## Contents

- Difference between juvenile justice system and criminal justice system

### **Juvenile justice system essay**

Various theories and models guide the criminal justice system. The system harbor both the rights of the accused as well as those of victims. Moreover, the criminal system contains rights and strategies aimed at prevention and restorative justice. The juvenile and the adult justice system have similarities as well as differences based on the various models and theories present within the system (Goldstein, 2007). The two system differ in their attention on crime prevention and restorative justice. The juvenile system stresses on rehabilitation rather than punishing teenage delinquents. Nonetheless, punishment is still a reasonable concept that is used in the judiciary, but it is only applied as a 'last resort' in juvenile cases. During occasions of punishment in the system of minors, a teenage delinquent who is guilty of a crime may be put on trial as an adult. The adult justice system does not stress on rehabilitation but rather focuses more on punishment contrary to the juvenile system (Roach, 2009). Furthermore, in the system of minors, the proceedings, records, children's court hearings, and other activities are confidential and not characteristically accessible. The adult cases, trials, and hearings are public and readily available. Therefore, the juveniles are protected by the system in that it is not possible for the public to understand or know the crimes committed by juveniles. In both systems, adults and minors who admit guilt undergo a system of procedural safeguards to protect their rights. Moreover, although the right to counsel applies in both systems, a court-appointed advocate in juvenile system looks out for the

<https://assignbuster.com/history-and-evolution-of-the-juvenile-justice-system/>

teenager; s ; greatest interest,; especially rehabilitation, an advocate in adult system ; best interest; lies in forgoing or reducing the sentence (Goldstein, 2007). Although a due process applies in both systems, juvenile offenders appear to be helped or facilitated more than the adult delinquents.;

## **Juvenile justice system pros and cons**

The differences in the rights in the juvenile and adult justice system emanate from their structure. The criminal justice system is a collection of legal and social bodies for imposing the criminal law by a defined set of technical rules and limitations. The major subsections of the system include law enforcements, defense attorneys, courts, prosecution, courts, and corrections. Each sub-section plays a critical role in the criminal justice system. Rights within the subsections of the system are distinct. The law enforcement involves the police and the strategies they use to gather evidence to convict a suspect. In the law enforcement section, the police are given extensive investigative powers to arrest individuals for questioning, an activity that is mainly used to determine whether a person is factually guilty. The attorney; s defense, on the other hand, can defend the suspect to ensure the reliability of the defendant; s statements and evidence provided (Roach, 2009). Therefore, this difference in rights within the criminal justice system poses various impacts.;

Mainly, it becomes hard to accurately determine whether a person is guilty or not, which lead to a conviction of the wrong person. For instance, within the criminal justice system, a detainee awaiting the court proceedings is not allowed or given the opportunity to contact their lawyer because this would slow down the investigation process and only benefit the suspect because <https://assignbuster.com/history-and-evolution-of-the-juvenile-justice-system/>

the agent mainly instructs them not to say anything (Goldstein, 2007). A lawyer; s place is only in the court where he or she can defend the suspect. Therefore, the difference in rights on the structure of the justice system may lead to wrong convictions because the police may use any means to obtain evidence, which the lawyer can help in preventing.;

## **Difference between juvenile justice system and criminal justice system**

Moreover, the difference in rights within the criminal justice system may make conviction of factually guilty individuals hard. It is the work of the court to determine whether the evidence provided is efficient to term a person as guilty or not. In many cases illegally obtained evidence is not admissible in the court (Goldstein, 2007). Except for evidence obtained through coercing, the police should have more powers to conduct searches and evidence gathered be used in a court regardless of how it was obtained. Additionally, guilty pleas are not mainly accepted as enough evidence to sentence a suspect. Even after a defendant pleads guilty, the court requires that further proof be searched to determine the accuracy of the plea. The resources and time end up being wasted because of the requirement of the court for further investigation even when a suspect pleads guilty.

The public policy behind the difference in the evolution and application of rights in the criminal justice system processes is the presumption of innocence and the right to a fair trial. Every person is presumed innocent until proved guilty after a fair trial (Goldstein, 2007). Therefore, in a way, the justice system bars some of its subsections the power to pursue their objectives efficiently. The police department is limited in its ways of

<https://assignbuster.com/history-and-evolution-of-the-juvenile-justice-system/>

obtaining the evidence required to make convictions. Moreover, a person cannot be compelled to testify or confess guilt against him/herself. It is the work of the justice system to follow the set strategies to obtain evidence and not for the defendant to plead guilty. Hence, the fair trial policy causes differences in rights within the structure of the justice system because some subsections are limited in their work more than others.

## **References**

Goldstein, D. (2007, June 14). The Juvenile Justice System. Retrieved from Boston University Vista Website: <http://vista.bu.edu/webct/>

Roach, K. (2009). Four Models of the Criminal Process. *Journal of Criminal Law and Criminology*, 671-81.