

Adult-incarceration

Life



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When young people commit crimes, there are usually reasons behind their behavior and these reasons need to be addressed with care and thoughtfulness and not the severest form of punishment. During the 1990s, several states decided to try juveniles as young as 17 years old as adults, and to use adult-incarceration facilities for those who were convicted. I think that was a negative trend.

Young people have a lot happening inside their bodies and minds, this is not to excuse them but it's a fact. A lot of internal changes are taking place and by that I mean, hormonal changes, bodily changes and mood swings.

Apart from major internal physical changes taking place, they also have to deal with peer pressure and behave in a certain way so that they fit in with their friends' idea of being cool and normal.

Researches and studies on the juvenile brain show that teens sent to adult court result in being worse than those who are not. They have a tendency to get in to trouble more often and the offenses are more severe. (Patrick, 2005)

An Example of the Law Being Too Harsh:

Reginald Dwayne Betts was executed at the age of 16 and spent more than eight years in prison, in Virginia for an armed carjacking. He was an honors student who had never been in trouble with the police before; he thought he would either be sent to a juvenile detention center or in an extreme case would receive a suspended sentence. But astonishingly, he was tried as an adult and was originally sentenced to 23 years of imprisonment. (Sharon, 2007)

Locked up at the young and tender age of 16, Betts spent 8 years in adult prisons. At such a young and impressionable age, he wasn't prepared to deal with the horrors and harsh realities of an adult prison. He was quite vulnerable to the happenings around him both physically and emotionally.

It was hard for him to get used to being away from home and at the same time to deal with the isolation and stress that comes from being in an adult prison.

To make matters worse, violence haunted him day and night; he witnessed other prisoners having their heads split open and getting stabbed. He was exposed to disturbing conditions at a very young age whereas most people would never have to face such incidents in their entire life.

Even though Betts served 8 years in prison, he now has a fulfilling career as a writer but he knows that he is an exception and he believes that youngsters who end up in prison usually don't make it as successful human beings.

Another example of a juvenile being tried is Zack, who was recently released after serving 27 months for being involved in the robbery of an Oregon convenience store. His mother says Zack (then 15) was struggling with a bipolar disorder at that time. At present, he's 17 and although his school was hesitant to welcome him back, he is once again a student there.

His mother says that Zack will always be a criminal in the eyes of the society and he still finds it hard to put the past behind him and it was exceptionally hard for him to find work as a lot of people did not want anything to do with him.

Zack's mother admits that he deserved punishment but probation and counseling would have been better for him rather than serving time in jail (Sharon, 2007)

Why Passing Harsher Laws Against Juveniles Is Wrong?

An assumption made by legislators in passing harsher laws in order to make it easier to try juveniles as adults, has been that juveniles would be less likely to become involved in criminal behavior if there were tough laws and hence a message would be sent to offenders that crime would not be tolerated. (Brian, 2006)

Though, research has proven this assumption wrong. Numerous prominent studies have proved that juveniles tried as adults tend to engage in criminal activities more often, more quickly and more seriously than those tried as juveniles.

Fagan (1996) looked at the relapsing to criminal activities rate of eight hundred juveniles. The 15 to 16 year olds were convicted of first degree robbery, second degree robbery or first degree burglary. Half of the cases came from two counties in New York and the other half were from two counties in New Jersey. (Brian, 2006)

Due to New York's Juvenile Offender Law, all the New York based cases were automatically handled by the criminal court, whereas New Jersey based cases were handled by the juvenile court. A comparison of the cases of both states showed that there were significant differences found in the re-arrest rates of those convicted of robbery.

A higher number of robbers from New York were rearrested as compared to the robbers from New Jersey. Furthermore, robbers from New York who were sentenced to incarceration in a criminal court tended to re-offend considerably sooner than those from New Jersey who were sentenced to incarceration in juvenile court.

A research, Podkopacz & Feld (1996); carried out a comparison of recidivism rates for offenders from Hennepin County, Minnesota that had had their cases referred for possible transfer to criminal court from 1986 to 1992. Their findings were that those offenders who were tried as adults had a considerably higher recidivism rate (58 %) than those offenders who were tried in a juvenile court (42 percent). (Brian, 2006)

Therefore, this shows that if juveniles are convicted as adults and face adult punishments, then they feel alienated from the society and their connection with the community over all weakens and this leads them to relapse to criminal activities once they have served their time in prison. Also possible juveniles tried as adults are more likely to view criminal court proceedings as unfair and unjust and hence they relapse to criminal activities to rebel or avenge the unfairness.

Researches have also found that those tried as juveniles generally had a positive view of the juvenile court. They were happy with the overall treatment of the judges towards them since they sincerely seemed to care about their well being.

In addition, the majority of the people interviewed for the research saw the juvenile court proceedings as fair and only a very few saw the juvenile court proceeding as unjust.

Majority of the offenders who were tried for the criminal court believed that the judges they faced didn't seem to care much about them nor about their problems.

They complained that the court proceedings were formal and rushed and quite a lot of them reported difficulty in understanding the legal terminology that was used in the court proceedings. Many that were tried for the criminal court thought that the criminal court's process sent a strong message that the offenders were of very little importance.

Research has also shown that juveniles held in adult prisons were one and a half times as likely to be assaulted with a weapon and five times more likely to be sexually assaulted as compared to the inmates held in juvenile facilities.

An earlier research by Flaherty (1980) showed that the suicide rate of juveniles held in adult jails was 7.7 times higher than the suicide rate of juveniles held in juvenile detention centers and if you compare it with the normal youth population than its 4.6 times higher. (Brian, 2006)

Effective Ways of Dealing with Juvenile Offenders:

To combat juvenile crimes/offences, judges and courts need to understand what provoked the juveniles to commit such offences in the first place.

The best way to deal with them is gently and in order to improve their overall behavior gentler punishments should be given and not harsh, adult
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punishments, as the juveniles are in the process of growing up and aren't full grown adults hence they need to be dealt with gently but firmly to eradicate their wrong habits for once and all.

Judges like Michael Corriero, who is based in New York, are well aware of how adult treatment of juvenile offences affects most of the juveniles. He supervises a special court by the name of Manhattan Youth Part and resolves cases of juveniles that belong to the ages 13-15 and have been tried as adults for serious crimes. He tries to steer as many as possible away from the criminal court. (Sharon 2007)

According to his ideology, a youth's character is flexible. Kids in their early teens (13-15) are supposed to learn from their mistakes. If we lock them up, what will they become in 10 years time? They won't possess any special skills. And nothing can be expected of kids that have been put in to adult prisons therefore have been criminalized before their time.

65% of the cases he handles are either sent for counseling or other such alternative programs, most of those programs are private and if the kids succeed, their records are sealed. Only the kids that commit major offences are tried in criminal courts (Sharon 2007)

Although these treatment programs are very expensive, but they are worth every penny as if you correct a juvenile in a juvenile justice program then the society will have less adult criminals.

Therefore it's essential to see what kind of crimes or mistakes the youth are committing and to treat them accordingly. In cases such as minor shoplifting or joy riding the juvenile should be counseled and should not be given the

same punishment as an adult. Since the youth may have committed that particular crime due to immense peer pressure.

Although juvenile crimes make most of us think of gangs, rape and murder; violent teens are the exception. Whereas in reality, according to various studies, violent teens only makeup 5% of all juvenile arrests.

The more common reasons for prosecuting juveniles in adult courts are drugs, burglary, theft, taking cars for joy ride (Sharon Cohen, N. D. http://www.usatoday.com/news/nation/2007-12-01-tryingkids_N.htm).

Being in an adult jail increases a child's risk of being exposed to sexual abuse and assault. Educational opportunities are usually very limited and inadequate.

Juveniles that Commit Major Offences:

The other side of the picture is that some prosecutors argue about kids that are too dangerous to be considered juveniles as if tried as a juvenile, they maybe freed of all sorts of charges and imprisonment as soon as they turn 21. (Sharon 2007)

An example of such dangerous juveniles will be Matthew Nedere and Clayton Keister, who murdered Nedere's parents in cold blood.

The murder was planned carefully by the 17 year olds. Nedere's father was shot five times and his mother four times by him. Keister shot Patricia Nedere, when she ran outside thefamilystore, calling out for help. The two 17 years olds were prosecuted as adults and rightly so. In such extreme cases, where youth nearing adulthood have committed cold blooded murders, they should be punished severely. (Sharon 2007)

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Conclusion:

To conclude, I'd like to say that juveniles for mild and petty crimes should not be prosecuted as adults. As in the case of being convicted, they suffer from poor conditions, horrendous healthcare to inappropriate lock-ups and very few efforts to help them (youth) re-enter society.

Furthermore they are exposed to sexual abuse and forced to grow up before their time and may face psychological problems later on their life, due to exposure to brutal activities such as stabbings, or even murders taking place in the prisons.

Once these juveniles serve their time in the jail and are released, it's also hard for them to re-enter the society and be acceptable by the rest of the society. They would always have that tag attached with them that they once committed a crime and went to prison for it.

Therefore for minor crimes, its better to have them counseled or to assign them certain hours of community service, as their minds and personalities are still being shaped and hence its better to correct them by allowing them to ponder over their mistakes and to make them serve the society through community service in order to have them realize their mistakes.

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