History of the juvenile justice system essay

Law, Criminal Justice

In order to understand where the juvenile justice system is today, we need to look back and understand the history of the juvenile justice system. When the first settlers arrived in America, they brought along the juvenile justice system that was in effect in England. This system evolved and improved through the 1800s. During the 1900s, landmark cases changed the course of juvenile justice in the United States. Unfortunately, the present juvenile system is more concerned with punishment than rehabilitation. Reformers are working to change the current juvenile justice system as it is too harsh. First, let us look at the English roots of our juvenile justice system.

Much of our early common law was based on the ideas of British lawyer, William Blackstone (ABA, 2011). During the late 1700s, to be charged with a crime, a person had to have intent to commit the crime and the person had to commit an illegal act (ABA). Based on this definition, Blackstone determined that anyone under seven was considered an infant and unable to understand completely his or her actions making it impossible to charge infants with felonies (ABA). Juveniles over fourteen years old could be sentenced as adults (ABA). The problem area involved what to do with juveniles between the ages of seven and fourteen. If the courts determined that a child between seven and fourteen understood right and wrong, he or she could be sentenced as an adult (ABA). Since children could be sentenced as adults, they could be sentenced to death (ABA).

The 1800s brought improvements to the juvenile justice system in the United States. New York City's " Society for the Prevention of Juvenile Delinquency" built the first center to house convicted juveniles (ABA, 2011, Lawyershop. com, 2008). Convicted minors in New York City could now live separately

from convicted adults. Later, in 1855, Chicago opened the first reform school in the nation with the goal of rehabilitation of juvenile offenders (ABA, 2011). The state of Illinois proved to be progressive regarding juvenile offenders because in 1899, the first juvenile court in the country opened in Cook County, IL (ABA). During the next twenty-five years, many other states created juvenile justice systems (ABA). The juvenile courts worked with reform schools to rehabilitate, not punish, juvenile offenders (ABA). A popular theory at this time was that of parens patriae which means that the state stepped in as the guardian of the convicted juveniles (ABA). During the late 1800s and early 1900s, juvenile cases were considered civil, not criminal (ABA). The goal of the juvenile justice system was to teach juvenile offenders how to become responsible and law-abiding citizens (ABA).

The 1960s brought major changes to the juvenile justice system. The best way to illustrate these changes is to look at some landmark cases. In the 1960s, a juvenile named Morris Kent had several encounters with the law beginning at the age of fourteen (Kent v. United States, 383 U. S. 541 (1966)). Finally, Kent's family hired a lawyer. The lawyer had a doctor perform a psychiatric examination on Kent. The doctor determined that Kent was mentally ill and needed to be placed in a psychiatric hospital. At this point, the judge in Kent's case opted " to waive jurisdiction" and send " Kent's case to a criminal court" (ABA, 2011). Kent's lawyer tried to argue that if Kent received psychiatric treatment, he could be rehabilitated but the juvenile court did not listen (Kent v. United States). Finally, the United States Supreme Court heard Kent's case and decided that Kent had a right to a hearing and a right to know the reasons the juvenile court waived jurisdiction

(ABA, 2011). This was a step in the right direction of giving minors their due process rights.

The next year brought another landmark case regarding the juvenile justice system. This case concerned a juvenile named Gerald Gault. Gault happened to be “ with another boy who stole a wallet from a woman’s purse” so Gault received probation (ABA, 2011). While on probation, Gault was accused of making an obscene phone call (ABA). Because of this accusation, Gault was taken into custody (ABA). During the case of In re Gault, 387 U. S. 1 (1967), Gault and his family never heard what he was being charged with. No witnesses came forward, including the person he supposedly called. With no evidence, the judge sentenced Gault to “ Arizona’s State Industrial School until he turned 21” (In re Gault).

Naturally, Gault’s parents appealed with the argument that their son had not received due process and his right “ to a fair trial had been violated” (In re Gault). The Supreme Court heard the case and “ ruled in favor of Gault” (In re Gault). The Supreme Court declared that juveniles had the right to due process including a “ notice of the charges brought against them, a right to legal counsel, the right against self-incrimination, and the right to confront and cross-examine witnesses” (In re Gault).

Not everyone was happy with the decision regarding the Gault case. Justice Stewart feared requiring that juveniles receive due process was moving juvenile justice from rehabilitation to criminal proceedings. Justice Stewart said in his dissent that instead of working to find a solution to juvenile

delinquency, the juvenile courts would now function like the criminal courts where the goal was to convict and punish offenders.

Between the decisions in Kent and Gault, the way had now been paved for state juvenile courts to waive their right to hear a case and send juveniles to be tried in criminal court. The juvenile courts may waive their rights three ways: Judicial waiver, statutory exclusion, and concurrent jurisdictions (PBS, 2011). Each state has its own juvenile court system and state laws. Almost every state allows juvenile court judges to waive their rights and remand the case to criminal jurisdiction (PBS). Statutory exclusion means that by statute, some states may choose to prohibit certain violent crimes from being tried in juvenile court (PBS). In those cases, juveniles must be tried in adult criminal courts (PBS). In some states, depending on the juvenile's age, offense, and previous record, the juvenile may be " under the jurisdiction of both the juvenile and criminal courts" (PBS). When this happens, the prosecutor may decide where to try the case (PBS). The trend of statutory waivers is increasing which means more minors are being tried in adult courts (PBS).

A modern case that illustrates what happens to juvenile offenders in adult criminal courts is Graham v. Florida, 130 S. Ct. 2011 (2010). When Graham was sixteen, he and some friends attempted robbery of a restaurant. One of Graham's friends hit a " restaurant manager in the head with a metal pipe" (Graham). Graham was charged with " armed burglary with assault or battery and attempted armed robbery" (Graham). Graham pleaded guilty and received two three-year sentences of probation (Graham). The next year, Graham was arrested for two more robberies (Caselli, 2011). After a

brief chase, Graham was apprehended with three handguns (Caselli). This time, the state charged Graham with probation violation, “ armed burglary, and armed home invasion robbery” (Caselli). Even though Graham’s attorney asked for a “ minimum sentence of five years”, the State requested a forty-five year sentence (Caselli). The judge ignored both recommendations and sentenced Graham to life imprisonment on the armed burglary charge, which is the maximum sentence for this crime (Graham, 2010).

Unbelievably, Florida abolished its entire parole system which meant that Graham had no possibility of being released (Caselli, 2011). Graham’s case finally reached the United States Supreme Court, which struck down juvenile life sentences without parole (JLWOP) in non-homicide cases (Graham, 2010). This is a step in the right direction in rehabilitating juveniles in the United States. The Supreme Court stated that JLWOP sentences are the second most severe penalty after the death penalty (Graham). Juveniles sentenced to life without parole have no hope of rehabilitation, as these juveniles will never be released from prison (Graham).

Juvenile Life Without Parole sentences not only take away the chance for rehabilitation, they also ignore the fact that youths may grow out of committing crimes. The MacArthur study of juveniles suggests that juveniles are not able to weigh their decisions or think of long term consequences (Sacca, 2009). Juveniles are more susceptible to peer pressure (Sacca). Adult cognitive functioning allows adults to weigh the consequences of their decisions and resist peer pressure (Sacca, 2009). Sentencing children to life

sentences for anything less than murder does not give children a chance to prove themselves out in the world as adults.

In regards to JLWOP sentences, the United States is falling behind the rest of the world as to how we treat juvenile offenders. " The United Nations Convention on the Rights of the Child" struck down JLWOP sentences (Caselli, 2011). Currently, 132 countries have ratified the decision to abolish JLWOP sentences (Sacca, 2009). Unfortunately, the only two members of the United Nations to still impose JLWOP sentences are the United States and Somalia (Caselli, 2011).

The state of Michigan is a prime example of how JLWOP sentences have careened out of control. Today, in Michigan, 307 people are sentenced to life without parole for crimes committed before their eighteenth birthday (Sacca, 2009). Alarmingly, 146 of the 307 were sentenced to life without parole when they were sixteen or younger at the time of the offense (Sacca). These figures are for homicides but some minors did not commit the actual murder. (Sacca). Some minors were convicted on aiding or abetting charges (Sacca).

Other states have taken a step in the right direction regarding the death penalty in the juvenile justice system. The Missouri Supreme Court noted in State ex rel. Simmons v. Roper, 112 S. W. 3d 397 (2003) that eighteen states will not execute juveniles. Twelve states will not execute anyone, including juveniles (Simmons). Recently, five states have increased the age for executions to eighteen (Simmons). Therefore, the Missouri Supreme Court reversed Simmons's death penalty and sentenced him to life in prison with no chance of parole (Simmons).

Simmons was seventeen at the time of the crime. The crime consisted of kidnapping, stealing, burglary, and first-degree murder. Simmons was originally sentenced to death by the trial court. By the time Simmons' case arrived at the Missouri Supreme Court, the Court ruled that the Constitution forbids executing anyone who is under eighteen at the time of the crime in question. The Court reversed Simmons' death sentence to life in prison with no chance of parole. In Roper v. Simmons, 543 U. S. 551, 125 S. Ct. 1183 (2005), the United States Supreme Court agreed. So now, no minor in the United States will be executed for any crime.

The pendulum of juvenile justice in the United States has swung back and forth between imposing death penalties on juveniles to rehabilitation of juveniles. Research shows that at the beginning of our country, juveniles were executed. Then the 1800s brought rehabilitation. Somehow, the 1900s brought harsh justice to juveniles, including life sentences without parole and the death penalty. Execution of minors in the United States has now been declared unconstitutional. The harshest punishment a juvenile may receive now is life in prison without parole.

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