

Example of judicial process article review

[Law](#), [Criminal Justice](#)



Article Review

Ainsworth, J. E. (1996) The Court's Effectiveness in Protecting the Rights of Juveniles in Delinquency Cases. *The Future of Children*, Winter 1996; 6(3): 64-74.

Introduction

In this article, the author explores the possible disadvantages to juveniles of waivers into the adult criminal court system, no constitutional right to a jury trial in juvenile court and diversion programs. In introducing the article, Ainsworth (1996) observes that the juvenile court system was based on the premise of two basic perceptions of young people who were in violation of the law: first, young people were both morally and cognitively underdeveloped and thus they cannot be considered to be fully responsible for their offenses and; second, young offenders were specifically malleable, and thus susceptible to social and moral rehabilitation. In addition to the article addressing the issue of transfer of juveniles to the adult criminal justice system, the author examines some of other aspects of the juvenile court system.

First, the article examines the procedural due process and the contemporary juvenile court. Ainsworth (1996) observes that the due process revolution was started by *In re Gault*, and it did lead to the transformation of the structural nature of juvenile courts. However, these reforms have not been very effective in ensuring that young offenders get fair trials on the same terms as those accorded to adult offenders. The author makes reference to 1994 survey of 100 juvenile court lawyers, judges and probation officers.

Many of the respondents noted that juvenile court hearings were usually conducted too quickly, and the judicial conduct compromised the abilities of juvenile offenders to get fair trials.

In exploring the issue of transfer of juveniles to the adult criminal justice system, Ainsworth (1996) observes that since its inception, the juvenile court system did recognize that certain habitual juvenile offenders might not be responsive to the rehabilitative dispositions that the juvenile court used. In such transfers, juvenile court judges have discretionary power to waive juvenile court jurisdiction over such cases, and thereby transfer them to the adult criminal system. According to Ainsworth (1996), though there was seldom use of this practice in the past, its use has dramatically increased in the past three decades. While waivers were only reserved for the 'worst' juveniles, usually those with lengthy records charged with the most serious offenses, it is now being utilized to transfer juveniles accused of committing lesser offenses. According to Ainsworth (1996), numerous studies indicate that among the juveniles transferred into the adult system, property offenders are more than violent offenders, and that about 25 percent of the waived juveniles are first-time offenders.

The article notes that many jurisdictions have in recent years passed mandatory waiver statutes that require the automatic transfer of certain juvenile offenders into the adult system. A reason for the enactment of mandatory waiver provisions was the perception that some juveniles felt free to commit serious offenses since they knew that they would only face the fairly moderate sanctions of the juvenile court (Griffin et al., 2011). These provisions have led to an increase in the rate of transfers of juveniles; with

Ainsworth (1996) giving the example of Cook County, Illinois, whereby the number of juveniles tried as adults has more than tripled.

Conclusion

In concluding, the author observes that while the transfer of juvenile offenders into the adult criminal system is based on the need for getting tough on young offenders, it is not clear whether those juveniles who are tried as adults receive severe sanctions. Studies indicate that juveniles who are sentenced as adults end up receiving lesser sentences than actual adult offenders who have comparable offenses and records. Ainsworth manages to address the issue of Juvenile transfer in this article adequately by making references to studies that have been done on the same subject. Basically, transfer laws usually alter the normal jurisdictional age boundaries since juveniles cannot be likened to adults.

References

Ainsworth, J. E. (1996) The Court's Effectiveness in Protecting the Rights of Juveniles in Delinquency Cases. *The Future of Children*, Winter 1996; 6(3): 64-74.

Griffin, P., Addie, S., Adams, B. & Firestine, K. (2011) Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting. *Juvenile Offenders and Victims: National Report Series Bulletin*, September 2011, pp. 1-28.