

Juvinile since
socrates time largely
due to the



**ASSIGN
BUSTER**

Juviniile Should Juveniles be waived to adult court Philosophy 14 Nov 98

Should juveniles be waived to adult court. There has been tension between teens (pre-teens) and adults for thousands of years, and the question how to deal with the youth of a culture, in a punishment sense, has been with us for just as long. Socrates, for example, stated that children show little respect for there elders. Since Socrates time largely due to the spread of guns and drugs, younger and younger children are committing violent crimes. Children that have special needs or have committed a criminal act have been subject to state protection since, 1838. The first juvenile court was established in Chicago in 1890.

The assumption, that was made at that time, was that the criminal justice system should work to help youngsters, not to humiliate or punish them. Along with the creation of the juvenile justice system went the creation of status offenses, these are offenses that if committed by an adult, would not be considered an offense. In the 1950's and 60's many laws were passed to protect the rights of children, in a court of law. The major decisions of this time were: Kent v. United States, In re Gault, and In re Winship. Since the time that these laws were enacted, the number of juveniles committing violent offenses has risen dramatically. There are two distinct schools of thought in this argument: side A believes that a persons age should not prevent that person from feeling the full effect of the adult court system, while side B feels that you simply cannot apply the same rules to juvenile offenders that you do to adults.

I will first present side A's case then B's and finally end with my own opinion.

Many states have begun enacting new laws about the transfer of juveniles,

<https://assignbuster.com/juvinile-since-socrates-time-largely-due-to-the/>

that are more harsh on juveniles. Minnesota, for example, has a new law that states a 16 or 17 year old person that has been charged with a violent offense has to prove to court why they should be tried in the juvenile system. In cases where the offender is younger than 16 the prosecutor must show why the juvenile should be waived. One of main issues of side A, is that if the offender is too old the sentence would not be severe enough for the crime that had been committed. Another issue is the overcrowding of the juvenile justice system. Many of the offenders in the juvenile system, if a few years older, would have already been sentenced to life sentences in an adult court. Side A does not believe that a persons age should be the lone determining factor for non-waiver.

While side A does believe that there are a great many negative influences on today's youth, they believe that these circumstances do not dismiss that crimes that have been committed. The core belief that most of the side A advocates share is, the belief that the small percentage of the juveniles that are committing the serious crimes are past the point where a juvenile court could be of any help. Side A truly feels that by allowing serious juvenile offenders to be waived to adult court, thus receiving a stiffer sentence, the community, as a hole, will be much better served. Side B believes, essentially, that no child (juvenile) should be waived.

Side B sees several key factors for the rise in juvenile crime. These reasons are ones that are out of the control of the juvenile. The key factors are: (a) Unemployment among teens was 19 percent in 1993, up from 15.3 percent five years earlier, and for black youths the unemployment rates were twice that.

<https://assignbuster.com/juvinile-since-socrates-time-largely-due-to-the/>

(b) Since 1970, Aid to families with dependent children benefits have declined an average of 45 percent in inflation-adjusted dollars, according to the Children's Defense Fund. (c) In 1992, there were 14.6 million children living below the poverty line, the Children's Defense Fund says, about 5 million more than in 1973.

(d) In 1993, there were 3 million victims of child abuse, according to the National Committee for the Prevention of Child Abuse- a rate 50 percent higher than in 1985. Studies also indicate that the majority of prison inmates were abused as children. (e) Teen suicide rates increased nearly 20 percent during the 1980's. Side B also reminds us that the percentage of kids arrested has remained fairly constant during the past 10 to 15 years. The charges that juveniles that are sent to adult facilities (even if protected from the population) are harassed and even raped at an alarming rate. There is also evidence that when a juvenile is waived, there is very little effort put forth to try and rehabilitate the offender. With my major being Criminal Justice Administration, I have done more than a little research on this subject.

I feel that it is very important, to the society, to feel that the juveniles are being punished for their crimes, however, I believe that their rehabilitation is even more important. I believe that, up until the age of 18, every effort should be made to try and steer the juvenile in the right direction. If all that we do, as a society, is continue to punish the juveniles, and do nothing to address the root causes of the behavior then we will never see an improvement in the statistics. I feel that we need to realize that we should not throw a child away because a mistake in judgment, made as a child. We

<https://assignbuster.com/juvinile-since-socrates-time-largely-due-to-the/>

should never forget that however we choose to treat our nations children, we are shaping, in them, the future of our country.

Legal Issues