

# [Issues with juveniles](https://assignbuster.com/issues-with-juveniles/)

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Juveniles can break the law just like adults can. The difference is in the way they are treated after the fact, from the police interaction to the type of punishment they will ultimately receive. In most cases getting to the child before criminal behavior begins may stop a life of crime before it begins. In this paper I will be going over the importance ofchild development, crime control, interrogation and Miranda warnings, crime prevention, deterrence, and punishment.

Children that grow up in homes where the parents are not around or do not care about them are more likely to become caught up in a life of crime than the kids that have a lovingfamily. Children that have parents that are criminals themselves will probably become criminals as well. “ According to one researcher, 63 percent of boys with convicted fathers themselves had criminal convictions, compared to 30 percent among those who did not have convicted fathers”. (Worrall, 2008, p. 259) If a child does not have a positive role model to follow, they will follow the negative one.

This is also true if the father is not in the home or part of their lives or if their parents are in to drugs. Lack of parental supervision, improper abuse, rejection, neglect, conflict between the parents and many other problems can also lead to behavioral issues in children. Domestic violencein the home, single family households and families with large amounts of people are also more likely to produce children that have behavioral issues as they develop. Lack of attention or negative attention is hard on a child and it has been proven to lead them to a life of delinquency.

There are many steps that families can take to work on crime control before it becomes a problem. The first is parent training andeducation. “ Just as there are good drivers and bad drivers, there are good parents and bad parents. ” (Worrall, 2008, p. 261) Parenting does not come overnight. It takes time and practice and information. Sometimes the harm to children is done accidentally and knowing this, the government has started programs such as the Strengthening Families Program.

The SFP was founded in 1983 and is for parents who are also drug abusers and teaches them appropriate parenting skills. Parenting classes can be done in and out of the home and appear in several forms. One such form is during pregnancy when a nurse practitioner comes to the home and gives the expectant mother information on her pregnancy and on things to expect when the child is born. Head Start programs are provided to poor African-American families so that their children are given extra help with educational needs.

Research has shown that these and other programs have been successful in lowering the rate of delinquency in juveniles. The chance ofchild abuseis lower in families that have gone through treatment than those who have not. Mothers are bettering their lives through the programs as well so the rate of arrest is lower in the mothers and their children than those left untreated. Once a juvenile has police contact, the interaction is very different than it would be if it were an adult.

There are several rights that a juvenile has to protect them. The first right is the Fourth Amendment. The Fourth Amendment to the U. S. Constitution states: “ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (Bartollas & Miller, 2008) Juveniles have the same rights to privacy that adults do. If the police want to search a juvenile or their home or vehicle they must provide a search warrant unless the juvenile waived their rights, consented to the search, or got caught in the criminal act they were committing. Interrogation of a juvenile, confessions, and Miranda Warnings go hand in hand. Juveniles, as well as adults, are to be read their Miranda rights at the time of arrest.

These Miranda Warnings give the juvenile six rights including: the right to remain silent, the right to an attorney, an attorney provided if they are unable to afford one, whatever the juvenile says to the police is fair game to be used later in court, if a juvenile starts talking they may stop at any time, and whatever the juvenile says to persons other than the juvenile officer or court personnel may be used against the juvenile if they are tried as an adult.

The juvenile officer is responsible for providing the juvenile with these rights and must protect the interest of the youth. “ A juvenile officer’s role in the interrogation process is the protection of the juvenile’s rights by initial explanation and subsequently by stopping the interrogation if it is so requested by the juvenile. Participation by the juvenile officer in the interrogation of a juvenile renders the confession and evidence discovered as a result thereof inadmissible [sic] in a subsequent adult prosecution. (McCarver, 2006) All questioning of the juvenile must be done by law enforcement. “ The admissibility of a juvenile’s statement taken in the presence of the juvenile officer is determined from the totality of the circumstances on a case-by-case basis. The court will evaluate the juvenile’s age, experience, education, back ground, intelligence and whether the juvenile has the capacity to understand the warnings given to him, the nature of his Fifth Amendment rights and the consequences of waiving those rights. (McCarver, 2006)

If a juvenile is tried as an adult they must have been made aware before his confession that it is possible that he may be tried as an adult and anything that any statements he makes can be used against him. Any officer that questions a juvenile must specifically state that he or she may be certified to be tried as an adult. “ In the absence of an attorney, the confession of a juvenile which results from a custodial interrogation may not be used against the juvenile unless oth the juvenile and his parent, guardian or adult friend were informed of the juvenile’s rights to an attorney and to remain silent, and the juvenile must be given an opportunity to consult with his parents, guardian, adult friend or attorney as to whether he wishes to waive those rights. ” (McCarver, 2006) Deterrence or prevention is very important in keeping juveniles out of trouble. In my opinion, one of the most effective preventative measures for preventing juvenile crime is community-based programs.

These programs, such as, Big Brothers Big Sisters of America, Bully Prevention Program, and Functional Family Therapy allow youths to be part of the community in a positive way. “ An eighteen-month evaluation found that compared with a control group waiting for a match, youths in the mentoring program were 46 percent less likely to start using drugs, 27 percent less likely to start drinking, and 32 percent less likely to hit or assault someone. ” (Bartollas & Miller, 2008) In single parent homes where the parent works it is hard to keep tabs on your child at all times.

Getting them into a program will keep the youths occupied and out of trouble in a perfect world. With the statistics listed community-based programs are effective and do a good job of reducing juvenile crime. There are many, many programs like these I listed. The problems that arise are a lack of funding and volunteers. It is important for the communities to sponsor and volunteer for these programs or they really cannot complain about children running the streets, learning negative behaviors, and committing crimes. Another effective preventative measure is programs like the Chicago Area Projects. The projects have three basicgoals: Frist, they provide a forum for local residents to become acquainted with new scientific perspectives on child rearing, child welfare, and juvenile delinquency. ” (Bartollas & Miller, 2008) Second, they open up lines ofcommunicationbetween the community and the institutional representatives of the larger community, the ones that help influence the local youth.

Third, they allow local adults to come in to contact with local youths, “ especially those having difficulties with the law”. (Bartollas & Miller, 2008) This and programs like this one have the local communities takeresponsibilityor the youths before they are sent to the juvenile justice system. The adults in the community can speak on behalf of youths in court and they organize programs to keep the youth out of trouble. If a child is distracted in a positive way, they are less likely to act out in a negative way. When punishment is needed, probation is usually the answer. Probation is the number one sentence in the juvenile court. “ About 400, 000 youths are placed on formal probation each year, which amounts to more than 60 percent of all juvenile dispositions. ” (Bartollas & Miller, 2008) This number has increased greatly since 1993. Probation is a judicial disposition under which youthful offenders are subject to certain conditions imposed by the juvenile court and are permitted to remain in the community under the supervision of a probation officer. ” (Bartollas & Miller, 2008) Juvenile probation focuses on programs for the offending youth in order to keep them out of jail. A probation officer is assigned and will work with the juvenile to help meet the conditions of their probation. Some think that the purpose of juvenile probation is to give the child a second chance. This is not necessarily correct.

The main focus of juvenile probation is provide programs and services so that the youth will learn to stay out of trouble with the law in the future. There are several reasons why probation is the most desirable alternative to jail time. Juveniles are able to remain free of incarceration but society has protection from further law breaking. “ It promotes the rehabilitation of offenders because they can maintain normal community contacts byliving at home, attending school, and participating in community activities. ” (Bartollas & Miller, 2008) It also costs less and allows the juvenile to avoid the negative impact of confinement.

While treated differently than adults in most cases, juveniles still break the law and encounter the justice system. Juveniles are afforded the same rights as adults but are handled in a way that usually allows them to have a second chance and become a productive member of society. While stopping a life of crime before it begins is the more favorable approach, it is not always a possibility. In this paper I have discussed child development, crime control, interrogation and Miranda warnings, crime prevention, deterrence, and punishment.