Juvenile Justice System: Case Analysis

Emile, a 16 year old boy convicted of murder is tried as an adult in Kansas. After only a few weeks in federal prison, he is physically assaulted by an adult inmate causing his paranoia and anxiety to increase in severity. Emile struggles with his emotions and feelings long after the incident, and doesn't receive treatment from staff at the prison. He acts out in violence against another inmate and is put in solitary confinement, a form of imprisonment distinguished by living in single cells with little to no contact to other inmates. After being in solitary for less than a day, Emile committs suicide. He is thought to have done so because of his worsening mental disorders that were never treated and were frowned upon by prison workers. Emile's case is just a small part of the 32% of juveniles who committ suicide in adult prisons (Juvenile Status). Juvenile Justice and Juvenile sentencing are in need of immediate reform and can be improved.

In Cook County, Illinois, the year 1899, the first Juvenile Court was created (Research Starters). These first systems resembled military training camps, also known as reformatories. Special Juvenile courts were present for the ones that needed it, and clinics with staff that were experts in social services were present as well. These reformatories operated under the philosophy of parens patriae. This principle meant that if a juvenile under the age of 16 was charged for any type of offense, the court had the power to intervene. Parens Patriae has since been named the "cornerstone" of the juvenile justice system in the United States. In 1977, things started to get better for the system. Washington state passed the Juvenile Justice Reform Act, which improved the quality of treatment to minors. But, this improvement went straight back downhill in 1986, when former President Ronald Reagan signed the Mandatory Minimum Sentence law after the crack cocaine epidemic got out of hand. Both juveniles and adults were charged with unfair sentencing and had no say in what went down in the courtroom.

Although the juvenile system was in good shape when it first started, it has only plummeted from there. In this day and age, there are many ways you can be sentenced. Diversion is a commonly known practice that is mostly used in cases involving status offenses. The decision to divert a case is usually made by the arresting officer, but in some cases intake officers will be consulted. Police have the right to speak with the offenders family members, talk to their teachers and inspect records before making a decision. If officers do not divert a case, the offender is charged in a petition, which is the juvenile version of arrest warrants. Petitions specify the charges against the offender and are informing documents to the juvenile's guardians (Research Starters).The controversial subject of whether juveniles should be tried in juvenile court or waived to adult jurisdiction has been a debatable subject for years. Statutory exclusion, the most common mechanism of waiving juveniles to adult jurisdiction is used for more serious offenses, including murder. The second way is the judicial waiver. This is the use of judicial discretion. The last type is concurrent jurisdiction, also known as prosecutorial waiver. This means that prosecutors have the power to file cases in both adult and juvenile jurisdiction; concurrently. Although this mechanism violates the fifth amendment of double jeopardy protection, it is still used by some prosecutors. Once sentenced in the juvenile justice system, punishments include probation, community service, fines, electronic monitoring or incarceration, which can mean house arrest or imprisonment in a juvenile facility. There is much criticism involving the subject of juvenile justice (Juvenile Justice).

Because juveniles are being treated less than what they should be, the system is in need of reform. Children are emotionally disturbed in the juvenile justice process, and they stay in detention for months awaiting disposition. Many bills have been passed in order to improve the system, including the Juvenile Justice and Delinquency Prevention Act (Rethinking Juvenile). Passed in 1974 and last reevaluated in 2002, this law provides much needed assistance to programs involving vulnerable juvenile offenders. Another example of reform in the justice system is the First Step Act, a criminal justice reform bill. This law reduces recidivism, which means the tendency of a convicted criminal to reoffend. This also makes changes to unfair laws in the juvenile justice system. It also eases mandatory penalties to nonviolent drug offenders. President Trump passed the law in December of 2018. Another way the system has been improved is by giving more second chances to offenders. The system can improve in incredible ways if we all work together and pass more laws that give juveniles another chance to do better.

The Juvenile justice system has come across many problems such as general ill treatment. This can be solved if we work together to pass more bills that are in favor of reform for the system, such as the The First Step Act. We can only do this by speaking up and coming together for what we know is right.