

THE JUVENILE JUSTICE SYSTEM

Key Terms

Juvenile:

Parens Patriae:

Delinquent Offenders:

Status Offenders:

PINS:

Intake:

ACOD (ACD):

Adjudicatory Hearing:

Dispositional Hearing:

Appeal:

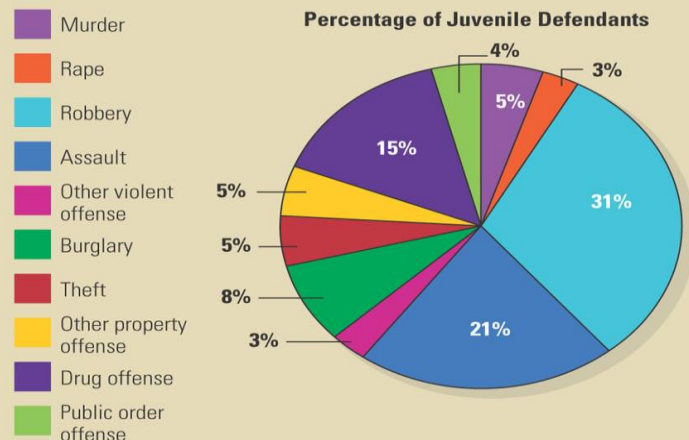
WHO IS A JUVENILE?

Young people age 16 and under. In most states a juvenile charged with a serious felony such as robbery, assault, rape or murder can be tried as an adult

Goal of Juvenile Justice System

- Help Juvenile
- Prevent future misconduct
- Rehabilitate

New York and North Carolina are the only states that prosecutes ALL youth as adults when they turn 16 years of age (soon to be 18)



Why is the Juvenile System Different?

Statistics

- More than 2.8 million juveniles are arrested each year (up 35% over the last decade)
- Younger juveniles account for a substantial portion of arrests
- Female delinquency has grown 75% in the last 10 years.
- Overcrowding is a serious problem in juvenile facilities

Scientific research suggests

- The human brain is not fully formed until 25
- As the cognitive skills continue to develop through young adulthood, behavior can be impulsive and adolescents lack the ability to focus on the consequences for their behavior
- Character, personality traits, and behavior of adolescents are highly receptive to change; therefore they respond well to intervention techniques and strategies to learn to make responsible choices
- 34% of juveniles in adult facilities get arrested later in life on felony charges, compared to those placed in juvenile facilities
- Youth in adult prisons are 2x more likely to be beaten by staff and nearly 50% more likely to be attacked with a weapon than children placed in youth facilities
- 36x more likely to commit suicide in an adult facility

JUVENILE COURTS

1. Delinquent Offenders-

2. Status Offenders-

1. Status offenders are considered unruly or beyond the control of their parents or legal guardians; they are **Persons or children In Need of Supervision (PINS)**

3. Neglected or Abused Children -

1. Neglect case occurs when parents or guardians are charged with failing to provide adequate food, clothing, or shelter

HOW DO JUVENILES ENTER THE SYSTEM?

Juvenile Service Section of the SCPD

J.D. petition -

P.I.N.S. petition -

Parents, School Officials and Community

Allegations that a youth under the age of 16 is a P.I.N.S. are usually initiated either by the parents in instances of runaway behavior or keeping late hours, and by school officials in instances of truancy

Voluntary Walk-in (rare)

Some youths will present themselves at Intake on a voluntary basis to ask for assistance. There is individual and group counseling for these youths.

MAJOR COURT CASES – JUVENILE JUSTICE SYSTEM

In Re Gault (1967)

Four rights were specifically given to youth charged with juvenile delinquent acts:

- 1.
- 2.
- 3.
- 4.

New Jersey v. T.L.O. (1985)

4th Amendment Case-Illegal search and seizure

- 1.
- 2.
- 3.

In re Winship (1970)

The Court ruled that the due process clause required that juvenile proceedings provide proof beyond a reasonable doubt in order to classify juveniles as delinquent in juvenile court proceedings

Schall v. Martin (1984)

The Court reaffirmed the parens patriae rationale for the juvenile court differences and held that juveniles may be detained before trial if they are deemed a "risk" to the community

Roper vs. Simmons (2005)

The Court ruled that standards of decency have evolved so that executing minors is "cruel and unusual punishment" prohibited by the Eighth Amendment.

Miller v. Alabama (2012)

Mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders

Adult Law Terms _____ Juvenile Law Terms _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

STAGES OF THE JUVENILE JUSTICE SYSTEM

Stage 1: Intake

Stage 2: Initial or Detention Hearing

Stage 3: Adjudicatory Hearing

Stage 4: Dispositional Hearing

WHO IS A JUVENILE? Before the establishment of juvenile courts, children under the age of 7 were never held responsible for criminal acts. The law considered them incapable of forming the necessary criminal intent. The law at that time also assumed that children between the ages of 7 and 14 were incapable of committing a criminal act. However, this belief could be disproved if it was shown that the child knew that the act was a crime or that it would cause harm to another and committed it anyway. Children over the age of 14 could be charged with a crime and handled in the same manner as an adult.

Today, all states set age limits to determine whether a person accused of a crime will be handled in adult or juvenile court. In most states, young people are considered juveniles until age 18. However, some states set the limit at 16 or 17. In NY a juvenile as young as 13 can be transferred to adult criminal court. In delinquency matters children over 16 are considered adults in NYS.

In most states, a juvenile charged with a *serious* felony such as robbery, assault, rape, or murder can be tried as an adult. Some states have laws automatically transferring a youth to adult court under certain conditions. Other states allow the prosecutor to make the decision, while some states require a judge to hold a hearing before a youth may be transferred. At the transfer, or waiver, hearing a judge usually considers: (1) the juvenile’s age and past record, (2) the seriousness of the crime, and (3) the likelihood that the juvenile may be rehabilitated before the age of majority. As a result of a “get-tough” attitude involving juvenile crime, many states have revised their juvenile codes to make it easier to transfer juveniles to adult court. These revisions include lowering the eligible age, making waiver automatic in certain cases, and making the criteria easier to satisfy. Often gang members involved in violent crime are transferred to adult court.

QUESTIONS:

- 1) Why were children under 7 considered incapable of criminal acts?
- 2) Children 7 – 14 could be guilty of a criminal act under what circumstances?
- 3) Three factors are considering when determining whether a juvenile should be transferred to an adult court:

A)

B)

C)

