Juveniles Should Not Be Tried in Adult Courts

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The skyrocketing trend in the United States to get tough on juvenile crime has resulted in an increasing number of minors being tried as adults. In fact, over two hundred thousand minors are charged in adult courts every year. However, juveniles by definition are not adults and therefore should not be treated as such—ever. After all, America's legal system recognizes that the mental competence of children under the age of eighteen has not fully developed, thus minors are not allowed to vote, drink alcohol, or sign legal contracts. In keeping with that concept, juveniles should not be subjected to the physical, emotional, and mental abuse found in adult jails. Instead, they should be sent to juvenile detention centers where they would have a chance at education and rehabilitation.

Using the Opposing Viewpoints Resource Center, research the programs available for juvenile offenders. Pretend that you work for the local sheriff’s office and the election is coming up. The voting public wants a solution to juvenile crime. Write a public service announcement explaining what your office will do to deal with juvenile offenders in the community. Will you focus on rehabilitation or get tough on offenders? Use your research to come up with a specific plan and explain in your announcement why you have chosen this specific approach.

In May 2000, 13 year-old Nathaniel Brazill, an African-American boy from a low-income Florida family, shot and killed his middle school teacher, Barry Grunow, on the last day of school. A few weeks earlier, also in Florida, 12 year-old Lionel Tate killed his 6 year-old playmate while practicing a wrestling move he saw on television.

Both these cases stirred controversy in Florida not because of the senselessness of the crimes, but because of the severity of the punishments: Brazill was convicted of second-degree murder and sentenced to 28 years in prison without the possibility of parole. And Tate was convicted of first-degree murder and sentenced to life in prison without the possibility of parole, making him the youngest person in modern US history to be sentenced to life in prison. Both were tried as adults, and at the ages of 14 and 13 respectively, were locked away in adult prisons to serve their sentences.

Juveniles Are Increasingly Tried as Adults

At the time of their convictions, Florida led the nation in trying minors as adults, a trend that has skyrocketed across America in the past 15 years. Currently [2007], over 200,000 minors are charged in adult courts each year, and in 2005 nearly 7000 minors were being housed in adult jails. More disturbing, a recent series by PBS Frontline, When Kids Get Life, reveals that the US is one of only a few countries in the world that sentences minors under the age of 18 to life in prison, and there are 2200 such convicts currently serving life sentences in the US. (According to the advocacy organization Pendulum Foundation, there are only 12 in the rest of the world.) Not until March 2005 did the US
Supreme Court finally overturn a previous ruling and outlaw execution for crimes committed by anyone under the age of 18, acknowledging that giving teenagers the death penalty represents "cruel and unusual punishment."

So if the Supreme Court has already ruled that when it comes to execution, minors can't be held accountable to the same extent as adults, why hasn't the entire practice of trying minors as adults come to an end? Why, when minors are minors by definition, should they ever be tried as adults?

The sharp increase in minors tried in adult courts is due to a wave of state legislation in the 1990s that gave judges and prosecutors the ability to determine who should be tried as an adult, along with new laws assigning mandatory minimum sentences for certain types of convictions including first- and second-degree murder. In addition, many of the officials making these decisions hold elected positions, which compelled them (and compels them still) to take tough stances against young criminals following America's spike in violent street crime in the early nineties. (This was the case with state attorney Barry Krischer of Florida's affluent Palm Beach County, where Nathaniel Brazill was prosecuted, who defends in this interview his famed zero-tolerance policy of trying minors as adults as often as possible.)

Proponents of trying minors as adults frequently cite weaknesses in the juvenile justice system, saying it is an insufficient deterrent for criminally-minded youths. And how, they add, can you justify to a murder victim's family a light sentence just because the person who killed their loved one was a kid?

Trying Juveniles as Adults Represents a Double Standard

Fair enough, but can we really justify a justice system in which a person can go to prison for life for something they did when they were 12 years-old? Do we really want to encourage cycles of poverty, poor education, and violence by throwing juvenile delinquents into jail with hardened adult criminals for decades at a time?

To be clear, I am not advocating leniency toward people who commit serious crimes. If a violent crime is committed, justice needs to be served no matter who the criminal—but "justice" means a proportional and appropriate punishment.

In other areas of the law minors are viewed as mentally incompetent, a caveat our justice system takes seriously when deliberating the guilt or innocence of adult criminals. Society (rightly, in my opinion) denies minors the right to vote, drink, independently sign legal contracts, run for office, adopt children, buy property, and so forth. It recognizes that our grasp of right and wrong is not fully developed for most of our minority, and thus establishes 18 as the legal age at which we are fully responsible for our choices.

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Trying minors as adults, therefore, represents a double standard in the legal system: a 15 year-old is
too young and stupid to decide for himself whether cigarettes are something he should buy, but he is of sound adult mind when firing a gun in the midst of an argument.

Often in instances where minors are tried as adults, the crimes themselves are evidence of immaturity, not malice. Prosecutors frequently call violent crimes committed by minors "adult" in nature, but this confuses the severity of the crime and the maturity of criminal: whether a 12 year-old steals a candy bar or kills a man over it, his maturity level and mental competence hasn't changed. Rather the severity of the crime, and of the consequence, has changed. (Indeed, the trivial motives of many violent crimes committed by minors demonstrate this—such as Lionel Tate's attempt to practice a WWF [World Wrestling Federation] move on a 6 year-old.)

**Adult Prisons Do More Harm than Good for Juveniles**

All of this was acknowledged a century ago when the juvenile justice system came into existence. In 1899, at the height of the Progressive Era, the first Juvenile court opened in Chicago with the philosophy that rehabilitation, rather than punishment, should be the objective when dealing with juveniles. Reformers acknowledged that minors and adults had different rehabilitative needs and that before a certain age offenders are sufficiently impressionable that they can be "corrected" and safely reinserted in society. Juvenile detention centers were thus developed to place an emphasis on rewarding good behavior, instilling discipline, completing education, and reinsertion.

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Place this in contrast to adult prisons, and the differences are astounding. A recent report by the Center for Policy Alternatives reveals:

Youths held in adult jails are eight times more likely to commit suicide, five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be assaulted with a weapon than youth in juvenile facilities.

Moreover, minors sent to adult prisons are significantly more likely to reoffend, and twice as likely to be arrested for a more serious crime, than minors in the juvenile justice system.

Extensive studies (and common sense) tell us that teenagers jailed alongside adult criminals become harder and more violent than those kept in juvenile detention. They are subject to "sentences" far harsher than those rendered by judges and juries, in the form of rape, physical abuse, torture, and suicide. Despite a Department of Justice report that nearly 40% of juveniles in adult prisons were convicted of nonviolent offenses, there is abundant evidence that jailing minors alongside adult criminals makes them become more violent and less likely to be rehabilitated.

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And unsurprisingly, nearly 77% of minors in adult prisons represent a racial minority, primarily African American, while the vast majority hails from low-income families with poorly-educated parents.
Trying minors as adults represents a gross flaw in the current justice system. It draws the newest and least privileged members of society into horrific cycles of violence and depression, allowing them little path to rehabilitation, forgiveness, and productive lives. To address weaknesses in the juvenile justice system by simply bumping minors into adult courts and prisons disserves both minors and the adult prison system.

Moreover, how many of us would like to be held accountable, for the rest of our lives, for the decisions we made when we were 13? And how many of us rely on our education, our wealth, and the support of our families to keep us from making grave choices, and to protect us from disproportional harm? Each year thousands of American teenagers face years of abuse in violent adult prisons for crimes they committed without these benefits. Their crimes are horrific and punishable, but their punishments are not proportional. The practice of sending minors to adult courts represents a terrible and embarrassing double standard in the American legal system, and should be written out of law nationwide.

Further Readings

Books

Periodicals


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