

Juvenile Offenders

During the 1960s, the Supreme Court required juvenile courts to become more like adult criminal courts by giving defendants protection against self-incrimination, the right to question and present witnesses, the right to an attorney, and the right to due process—a standard of proof that is “beyond a reasonable doubt” rather than merely a “preponderance of evidence” (*Kent v. United States*, 383 US 541, 86 S. Ct. 1045, 1966; *In re Gault*, 387 US 1, 87 S. Ct. 1428, 1967). These changes eventually led to the Juvenile Justice and Delinquency Prevention Act of 1974, which required states to deinstitutionalize or decriminalize status offenders and to separate juvenile delinquents from adult offenders. In 1980, the act was amended to require states to remove juveniles from adult jails (Snyder & Sickmund, 1999). The act also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide national leadership, coordination, and resources to prevent and respond to child victimization and juvenile delinquency.

Increases in the number of juvenile crimes during the 1980s caused many states to change their juvenile justice laws. In some states, certain classes of juvenile offenders were automatically remanded to the adult criminal court system. Other states treated the youths as criminals in juvenile court. For the first time, many juveniles were facing mandatory sentences. State laws have made it easier to move juveniles to adult criminal courts and adult correctional facilities. Confidentiality laws were modified or eliminated in some cases, and judges were given expanded sentencing options that included blended sentences—sentencing a juvenile to serve time in a juvenile correctional facility and to be transferred to an adult facility at the age of 18 or 21 (Allard & Young, 2002).

Between 1985 and 1997, the number of juveniles sentenced to adult prisons doubled. Of juveniles sentenced to adult prison, 58 percent were African American, 25 percent were white, 15 percent were Latino, and 2 percent were Asian American (Campaign for Youth Justice, 2013). In the mid-2000s on any given day, there were over 11,000 children in adult jails and prisons (Deitch, Barslow, Lukens, & Reyna, 2009).

Treating children and youth as adults raises many questions and concerns. People who propose transferring violent juveniles to criminal court argue that doing so will reduce recidivism. This line of reasoning assumes that young people will be sobered by their experiences in the adult criminal system and will not commit further crimes. However, research suggests that this may not be true, and that youth treated as adults are actually more likely to reoffend (Deitch et al., 2009). There are many other concerns about having children in adult facilities. Youth do not get the education and treatment that they need in adult jails and prisons. Many youth spend months in adult jails while awaiting trial and have no access to education. Due to their smaller size, overcrowding,

Box 13.4 What Do You Think?

Should violent juvenile offenders be transferred to criminal court and tried as adults?

and high inmate-to-staff ratios, and the lack of a social network to protect them, youth are also much more at risk for physical and sexual assault in adult jails and prisons. One report found that youth in adult facilities are five times more likely to be sexually assaulted than those in the juvenile system (Deitch et al., 2009). In 2008, two youths serving time in adult prisons in Colorado committed suicide.

In the wake of the youth suicides and as well as two important Supreme Court decisions limiting the use of mandatory life sentences for juveniles, *Graham v. Florida* (2010) and *Miller v. Alabama* (2012), several states have begun to question and change laws pertaining to changing juveniles as adults (Campaign for Youth Justice, 2013; Eckholm, 2014). There is a great deal of research that demonstrates that children's brains are not fully developed in ways such that they have true choice about their actions and good impulse control. This means that in most areas, we treat children differently from how we treat adults. We do not let them vote, drink, or in most states even get a tattoo without parental permission. The fact that children's brains are still developing also suggests that there is a better possibility that they can be rehabilitated as they get older if they get needed treatment.

Most of the youth who engage in criminal behavior stop doing so as they get older (Deitch et al., 2009). Given all of this, social workers must protect the rights and needs of juveniles who are placed in the adult criminal justice system, and advocate for more funds and policies that emphasize rehabilitation and treatment for both adult and juvenile correctional facilities. If state laws require some young people to be placed in adult facilities, social workers should argue for the separation of adults and juveniles within those facilities and should work to change these laws.

Domestic Violence

Domestic violence is a pattern of assaultive behaviors, including physical, sexual, and psychological attacks and economic coercion, by adults and juveniles against their families or intimate partner or both. Family violence, particularly violence between spouses, gained recognition as a social problem during the 1970s when the women's movement pushed for examination of conditions for battered women, women who were physically abused by their intimates. Although the incidence of domestic violence is difficult to measure because some victims are reluctant to report it, domestic violence impacts approximately one in three women and one in seven men. Females between the ages of 15 and 44 have the greatest risk of being a victim (Black et al., 2011). Beginning in 1993, there was a slow downward trend in domestic violence incidents. Part of reason for the decline in domestic violence may be the increase in attention and services for victims and potential victims.

The Violence Against Women Act, enacted in 1994, made available \$1.6 billion in support of programs that research domestic violence and sexual assault. One of the funded efforts is the Violence Against Women Grants Office (VAWGCO), which was designed to respond to the needs and concerns of victims and potential victims of domestic violence. The first national response to