

Final: Should Minors Be Tried as Adults



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Strayer University

Professor Dorothy Valentine

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Introduction: A Problem Exists

The increasing cases of juvenile delinquency has pushed various governments to reconsider their position on whether to treat the children as adults before the law or otherwise. The United States of America has been at the forefront of mixed campaigns on how to curb this growing trend of minor perpetrators. In light of these emerging statistics, the court system of the U.S has been engaged in a debate over putting the minors on trial like adults amid mixed reactions from members of the public and various socio-political and economic institutions in the country. It is, therefore, important to note that owing to various factors surrounding this matter; the justice system is under criticism and therefore, it should be discouraged against using adult trial towards the minors due to lacking rehabilitation, welfare of children, and penitentiary protection.

The history of American interest in the issue of minors and their growing cases of law-breaking has put the entire country under intensive and extensive legal discussion. There have been more questions towards this agenda than answers and this explains the much interest set on the topic. Treatment of minor offenders as adults in the legal court cases has been proposed by several states within the U.S, but this is still under scrutiny as facts points a possible negative outcome if this is adopted (Bardes, Shelley, & Schmidt, 2010). It is worth noting that the trial of the minors should not be focused on punishment like the case of adults but rather rehabilitation. In this regard, possible penalties like incarceration prove to be counterproductive to the young offenders as it seeks to punish rather than help. The opposition against treatment of minors as adults in legal redress is based on the premise that their age dictates their actions, and this should be the focal point rather than the crime committed.

In essence, the adolescence stage has particularly been blamed for the widespread cases of crime among this group of people. In an effort to protect their social welfare, some mode of adult trial aspects needs to be omitted when dealing with them. Given the poor record of U.S rehabilitation facilities, children are likely to suffer more and end up ruined instead of being rehabilitated to more responsible people in the society. In addition to this, incarceration is seen as isolating the young group from socializing with the larger society and undergoing smooth transition from childhood to adulthood. In this respect, there are many social and economic costs of imposing adult style of trial against the minors (Myers, 2005). Limited protection in the prisons may be detrimental to the entire life of the minors if they were to be exposed to the adult experiences in such facilities. There are several facts and figures that strongly stand against this policy. Most experts predict a worse scenario if the minors are to be treated as adults by the legal system in the determination of cases. It is of merit to note that the premise of the juvenile court is relevant with the contemporary socio-economic and political dynamics experienced in the US and other parts of the world.

On the basis of limited maturity of the children, it is sound to understand that they cannot be held accountable for some of their actions as would be adults, it is, therefore, critical that behavior change policies are emphasized rather than punitive measures. In the event that minors are subjected to adult trial, they end up being hardened criminals that would pose more threat to the society there after than expected. This indirectly pushes up the economic cost of incarceration facilities management and social disconnect between generations. Since the volatile adolescent stage is blamed on some of the offenses committed by minors, it would be helpful to

focus on sound management policy starting from parenting rather than stiff penalties that would oppress natural development of the social life of minors and gradual individual discovery (Bardes, et al., 2010). This inhibits the potentials of future leaders, thereby costly to the society in respect to its socio-economic and political future plans.

Take the case of drug cases and illegal gun possession among the young people in the US. This is a case of the experiment which is learnt from interaction with uncensored violence media. It is, therefore, important that minors accused to such criminal offenses are taken through juvenile courts and accorded thorough rehabilitation instead of being subjected to adult punishment as this will deter rather than treating (Hile, 2003). The constitutional provisions on rights of children are such a costly error to commit as this compromises the confidence society would place on its leaders. In regard to the more benevolent mission of the juvenile courts, treating them adult way kills the spirit of patriotism amongst the minors. It is worth concluding that critical evaluation of whether to treat minors as adults in court cases criticizes the idea and stand on the side of juvenile courts continued use.

Solution to a Problem and Advantages

Juvenile offenders and minors have for some time suffered the failure of the justice system to have an elaborate program for trying minors. This has brought about confusion in the justice system to the extent that no clear framework exists for criminal justice for minors (Braswell, 2011). The essence of justice is to bring about the truth for the sake of bringing change in the society. Being found innocent or guilty, therefore, becomes an important aspect of the justice system. Therefore, it is important to note that owing to various factors surrounding

this matter, the justice system is under criticism and hence, it should be discouraged against using adult trials with respect to minors due to lacking rehabilitation, welfare of children, and penitentiary protection.

Minors do not have the same social status as adults. While most adults have a better thinking capacity and are much ahead in terms of stratification, minors have none of that. The minors have no financial capacity that can guarantee them a bail out in the event that they are convicted of any criminal charge. Therefore, it is a disadvantage to the minors when the adult justice system is applied in their case. The solution to this is that the justice system should be designed in such a manner that it brings a distinction between the adults and the minors. If these were done, the minors would have a fair trial and hearing. Trying minors using the adult laws is a very detrimental and does not allow for proper justice to be served (Hile, 2003).

Young people do not have any form of support; hence, they cannot stand alone to go through a trial. If a distinction is established, every person either minor or an adult would have a fair trial based on the maturity of the individual. Minors would be the biggest beneficiaries of such a system. Having minors to be tried using the trial system meant to be used for the adults is an affront to the rights of the young ones. A clear guideline should be formulated for the sake of deriving an outline that is unique to adults and minors.

Having a distinct justice system for the minors and the adults is not just ethical, but also very moral. While minors should not have the express rights of doing whatsoever they may wish, it is important to have them stand trial that befits their status as young ones. Having a distinct system is ethical and moral in the sense that young ones have the ability to understand

the justice system brought to their level and understanding (Braswell, 2011). Trying a minor using decree meant for the adults is very embarrassing and very inappropriate for any justice system. Justice systems should be defined to have a fair trial and not being an affront to other people's rights.

The universal declaration of human rights dictates that everyone has the right to be heard. This means that all have a right to a fair hearing. Passing judgment to a minor in the same manner it should have been done for an adult is not just unethical, but immoral. Capacities and levels of reasoning are very different. Adults have developed thinking capacities and cannot be compared to the young ones. It is, therefore, imperative to have minors tried separately without using judgments meant for adults. This is the most ethical and moral thing that can occur in the justice system.

Ethics and moral observation are exceptionally necessary for any system. Pursuing justice does not mean interfering with other people's rights (Braswell, 2011). The conduct and operation of a given system define the ethics of such an entity. For any trial system, it is critical to stick to the procedures that ensure justice. This is what ethics and morals are all about with respect to justice. In fact, operating beyond the stipulated boundaries is not very logical and ethical. When the young ones are tried using procedures meant for adults, it becomes very compromised and questionable. Every stakeholder has to think of bringing about ethics in the justice system to protect the young ones from unnecessary pressure arising from an infiltrated system.

Disadvantages and Answers

Life accords everyone an opportunity of living once; in this case, one ought to be careful of the decisions they make. Many teenagers make wrong decisions by leading a life of crime without the knowledge that every misdeed has a severe consequence. In some instances when the young commit serious crimes, they are subject to the adult court and get the available punishment. This paper critically argues in favor of the adult court by exposing juveniles to life imprisonment or even prison without parole. McCabe (2007) argues that in the current society, the crime rates continue to skyrocket and the minors perpetrate most of these crimes. McCabe (2007) affirms that youths deserve incarceration as adults since they are fully aware of their actions that are wrong. According to figure 1.0, there is high prevalence of crimes perpetrated by the minors.

Bamford (2009) refute this argument on the ground that minors are not subject to adult courts since they do not think and act as adults. Bamford (2009) says that minors cannot, are not physically capable of acting in the capacity of adults such as the signing of legal contracts. Young adults are naïve to make mature and responsible decisions since the brain is not fully developed. Additionally, teenagers do not have a full-developed cerebellum that enables them to control their impulses. According to research, there is a high chance for the juvenile violators to turn around their lives. The use of rehabilitation and psychological guidance can help in correcting their crimes. Bamford (2009) claim that it is morally unjust to sentence minors when there is a high probability of turning their life around with some help.

It is important to treat the juvenile cases as adults since they know what they are doing. People in this generation are smarter and the courts need to be aware of the mistakes taken for granted by the young adults and address them with strict measures. Minors are able to differentiate right and wrong and therefore liable for their actions. McCabe (2007) claims that minors make mistakes as adults do. In this case, the court should hold them responsible and discharge justice equally for all people. Minors may be young but are able to differentiate right from wrong. This is because they have the same mindset with adults. By treating the minor cases in adult courts can reduce the crime rates considerably.

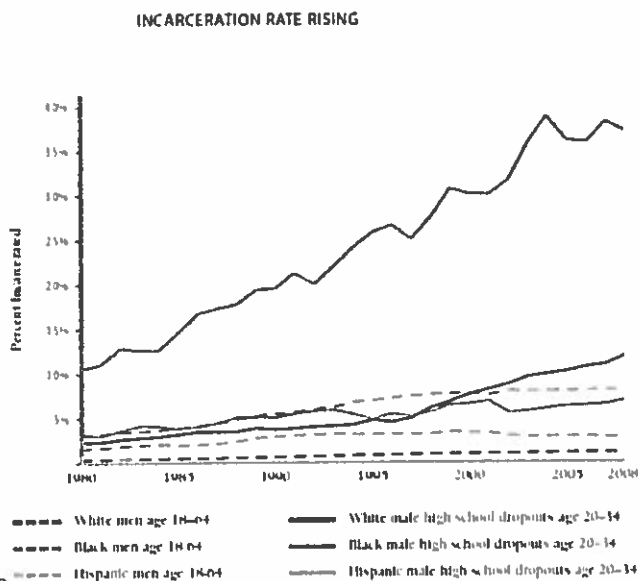


Figure 1.0

Conclusion

The law should protect minors with elaborate procedures being outlined to ensure that is enforced. It is very unethical and immoral to try young ones the same way adults would be tried. The essence of justice is to correct the disparities that exist with respect to breaking of the law. The justice system has not been very helpful in protecting minors from being tried the same way judgment has to be passed to minors (Scott & Steinberg, 2008). Therefore, it is to this end that the justice system has received a lot of criticism, and it should be discouraged against using adult trials with regards to the minors due to lacking rehabilitation, welfare of children, and penitentiary protection. If this were to be done, the minors would have a fair trial that is commensurate their level. It would protect the minors from any unjust procedures.

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