

Only one system treats children as adults, and it is perhaps the harshest one.

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Juveniles are generally a hot topic. They are the future of the society and hope of the country. In a lot of areas, they are the people that most scholar and communities care about. To protect them, the society gives them more rules than adults have. However, there is still one social system that treats juveniles as adults, which perhaps is the harshest one. This system is the criminal justice system.

Today, there are still 60,000 children incarcerated in residential placement or prison. In 2017, there were 43,580 juveniles in residential placement. In 2019, there were another 653 children incarcerated with adults (Dawson, n.d.). The research shows that Alaska, Delaware, Florida, Hawaii, Idaho, Maine, Maryland, Michigan, Pennsylvania, Rhode Island, South Carolina, Tennessee, and West Virginia have no minimum age for juvenile offenders (Thirteen States Have No Minimum Age for Adult Prosecution of Children, 2016). In those states, they will be in prison with adults, which introduces juvenile offenders to additional potential harm and places them at increased risk of sexual, physical, and psychological abuse. Many, such as Steven Levitt, Associate Professor of Economics at the University of Chicago (Juvenile Delinquents Respond to Punishment Just as Adult Criminals Do, University of Chicago Study Shows, n.d.) believe, “Juvenile crime is responsive to harsher sanctions which perhaps will decrease in crime associated with incarcerating an additional juvenile is at least as large as the corresponding reduction in crime for adult offenders” but the data simply does not support this claim.

Instead, youth receive similar treatment to their adult counterparts. For example, 10% of total number of youth prisoners will be locked in a single room for a long time until they finish

their sentences (Initiative & Sawyer, n.d.). According to the juvenile law center, youth are regularly subject to solitary confinement — often for 22 to 24 hours per day. They also frequently endure strip searches, shackles, and chemical sprays (Children in Prison, n.d.). Those abusive punishments are not the way to correct juvenile’s behavior. Instead, it harms in both physical and mental ways and may increase their criminality, rather than rehabilitate them.

Not all juvenile offenders will go to youth prisons, many of them are going to the adult prison for their sentences. According to the child crime prevention & safety center (CCPSC), there are more than 10,000 minors under the age of 18 are housed in jails and prisons intended for adult offenders and juveniles make up 1,200 of the 1.5 million people imprisoned in state and federal detention facilities (Minors in Prison | Child Crime Prevention & Safety Center, n.d.). It means also bring much more risk and problem to the juvenile offenders who are in the adult prison. By the statistics from CCPSC, juveniles are five times more likely to be sexually assaulted in adult detention facilities and are 36 times more likely to commit suicide if housed in an adult jail or prison (Minors in Prison | Child Crime Prevention & Safety Center, n.d.). Due to these risks, the U.S government has made law to separate juvenile and adult in prison by the Delinquency Prevention Act of 1974 (“JJDPA”) and the Prison Rape Elimination Act of 2003 (“PREA”). Delinquency Prevention Act (“JJDPA) was established in 1974 and most recently authorized in 2018 with bipartisan support, based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization (*Juvenile Justice and Delinquency Prevention Act* | *CJJ*, n.d.). The Prison Rape Elimination Act of 2003 (“PREA) is the act which passed by both parties of congress, the purpose is to protect individual from prison rape (Prison Rape Elimination Act, 2003.). However,

some state keeps lock the juvenile and adult in the same prison, and many juveniles who had been sex abused choose not to report this. According to reports from CCPSC, sexual assault of minors in prison is considered to be widely underreported and less than 10 percent of minors in the survey who were sexually abused actually reported the abuse (Minors in Prison | Child Crime Prevention & Safety Center, n.d.).it cause that not too many reported about this, and let people have underestimate about this fact.

Many judges within the juvenile justice system argue that penalties other than imprisonment will better serve the purpose of rehabilitating the juveniles. In fact, some states offer juvenile justice programs as an alternative sentencing option. These programs tend to incorporate counseling, job training, and other rehabilitative services aimed at improving an youth's situation rather than simply punishing them (Sentencing in Juvenile Court, 2019). After 2005, the standard penalties for juvenile justice system became more tolerant. In five cases, *Roper v. Simmons* (2005), *Graham v. Florida* (2010), *Miller v. Alabama* (2012), *Montgomery v. Louisiana* (2016), and *Jones v. Mississippi* (2020), the supreme court ruled that *children are constitutionally different from adults* in their levels of culpability (Juvenile Life Without Parole, n.d.). For example, after 2005 the *Roper v. Simmons case* the juvenile justice system abandoned death penalty. Today, probation may be the most common penalty in juvenile justice system. Probation gives youth involved in the justice system more opportunities to have better future, the goal for probation is to correct behavior without removing individuals from the community.

Probation can also reduce the recidivism rate. Existing research suggests that more than 250,000 juveniles have been sentenced to probation. One study shows that re-arrest occurred for 34.2 percent of juveniles within one year of release from a probation placement, which is barely up from the previous year (34.1%); reconviction rates dropped to 23.7 percent (Virginia

Performs: Measuring What Matters to Virginians, n.d.). Most probation officers believe that that prisons should be a last resort for youth. Instead, probation should be used to rehabilitate juveniles and lessen the chances that a youth re-offends (Services, 2018).

Juveniles deserve extra protection and care within the criminal legal system for many reasons but perhaps most importantly, because their brain is still growing, and their judgment is fully matured. Relative to adults, juveniles are more unreliable and it is far easier for them to get hurt. They need someone to lead them and teach them. The goal for the juvenile criminal justice system should be to correct and rehabilitate them, not destroy them. Harsh punishment for youth helps nothing...it only make things worse.

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