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The Juvenile Justice System in Comparison with the Adult Justice System

The United States juvenile justice system is an institution operating autonomously from the justice system as a whole. The comparative features of the juvenile justice system compared to criminal justice include separate courts and incarceration methods, and diverse attitudes towards intervention and rehabilitation. In the U.S., courts generally treat adolescents as citizens whose delinquency is not indicative of an informed and conscious adoption of criminal behavior. Consequently, the sentencing of delinquency involves rehabilitative rather than punitive attitudes towards its subjects. Comparing the two entities, the rehabilitative orientation of the U.S. juvenile justice system is open to criticism of the efficiency of its methods in preventing future criminal behavior and the high similarity to adult justice approaches; thus, all the differences between the two have the potential to vanish on a case-by-case basis.

In common law, juveniles cannot be subjects of the criminal justice system since they are not considered adults who are responsible for their actions. In the U.S., the age at which a person stops being considered a juvenile differs, yet generally ranges between 16 and 17. The juvenile justice system serves as a complex governmental institution with a distinctive legal framework

and separate executive and judicial institutions that are responsible for dealing with cases of juvenile delinquency. The term 'delinquency' is specifically used to distinguish the juvenile actions from that of adults, as the term 'crime' denotes a behavior for which a person who committed it can be fully responsible. Hence, the legal definitions of 'crime' and 'delinquency' reflect the capacity to bear responsibility for one's actions as a delimiter between the two classes of citizens and the justice systems treating them as subjects of law.

The treatment of juveniles as individuals who are not entirely answerable for their behavior entails a difference in intentions and attitude between juvenile and criminal justice systems. According to Merlo et al., the features of the juvenile justice system in comparison with criminal justice include the following: "limited jurisdiction (up to the age of eighteen in most states); informal proceedings; focus on offenders, not their offenses; indeterminate sentences; confidentiality" (2). Each listed aspect defines a system of differences in the attitudes courts and corrective institutions hold towards juvenile offenders in comparison with criminals. Generally speaking, the intention that unites features of the juvenile justice system is to correct behavior through the use of authority, comprehension, and support.

The informal nature of proceedings in juvenile justice makes the system avoid prescribed punitive measures against crimes. Instead, the corrective measures are applied on a case-by-case basis in a way that addresses the personal concerns, social issues, and behavioral tendencies of individual juvenile offenders. The corrective orientation of the juvenile justice system influences

the style of judicial proceedings and the role of a prosecutor in cases related to juvenile delinquency. When dealing with juvenile matters, prosecutors must follow various evidentiary standards and ought to refer to specific expert groups for assessing juvenile offenders' mental health and social conditions (Redlich and Shteynberg 613-614). The general attitude set by the Supreme Court case *In re Gault* defines the prosecutorial role in juvenile justice as far less aggressive due to the inability of juveniles to adequately interact with prosecutorial pressure. In particular, the case rules to ascribe lower value to juvenile confessions: "Admissions and confessions by juveniles require special caution as to their reliability and voluntariness" (*In re Gault* 2). Overall, prosecutors are expected to understand the incapability of juveniles for sufficient self-defense and thus to treat them less harshly than adult offenders.

The role of the jury in juvenile justice also differs from the criminal justice system. The special status of juvenile offenders introduces a controversial feature of denying the right to a jury trial in juvenile courts in more than 30 American states (Merlo et al. 15). The inalienable constitutional right to a jury trial is granted only for subjects of criminal justice; nevertheless, many states deem it appropriate to extend the right for a jury trial for juvenile offenders. Theoretically, a gathering of citizens from the surrounding community can assure the objectivity of trial procedure and enhance a supportive environment underage offenders would experience when introduced to the justice system. Additionally, the participation of citizens in juvenile justice can be informative for members of the jury. However, it may also be the case that the

judgment of non-experts in relation to the adolescent population would be biased by preconceived notions regarding parenting in general, as well as the dangers associated with socioeconomic differences in children's education in particular.

The trials of juvenile offenders lead to a different set of sentences compared to adults. The most common range of sanctions applied to juveniles is nominal. This set may vary from diversion procedures—mainly participation in community-based programs—to obligations to pay restitution (Merlo et al. 250-1). For more severe instances of juvenile delinquency, such as cases of drug use and minor offenses, intermediate interventions can be applied, including electronic monitoring, house arrests, and supervision. Lastly, for most serious offenses within the scope of authority of the juvenile justice system, offenders can be deterred in juvenile justice facilities of a non-secure or secure type, where the former ones include foster homes and shelters while the latter have low-guarded prisons and possibly feature correctional participation in labor activities.

Prospectively, the entire range of juvenile justice sentencing should provide a young offender a chance to prove himself or herself as a law-abiding citizen who had the misfortune to cross the boundaries of the law. In corresponding cases, the juvenile justice system differs from the criminal justice system by the core philosophy that explicate an attitude toward crime or delinquency (Merlo et al. 214-5). However, the lines between the two justice systems blur when juvenile justice courts issue waivers from particular cases. A waiver issued in response to the

police case means that the case will be transferred to the criminal justice court, and the juvenile will be tried as an adult who is fully responsible for his or her actions. The decision on a waiver depends on the seriousness of the crime and especially relates to cases of aggravated assault, murder, or rape (Augustyn and Mcgloin 155-157). In case of a waiver, the differences between treatments of juveniles and adults by the American justice system disappear except for a few essential limitations.

The Supreme Court substantially limited the scope of cases eligible for a waiver by the ruling on *Kent v. the United States*. According to the ruling, before issuing a waiver, the juvenile court ought to assure that the case is sufficiently investigated. The standard delineated by the Supreme Court included a hearing, access to counsel, and access to the record of the young offender. While waivers on major offenses continued to be predominantly the case after the ruling, the limitations imposed by the Supreme Court assured that a case could not be transferred to the criminal court in a framework of speedy trials and without proper consideration. A privilege juveniles continue to enjoy after being transferred to criminal courts is the absolute immunity to capital punishment and immunity to life without parole sentences in 30 American states. The *Roper v. Simmons* Supreme Court case ruled capital punishment for juveniles unconstitutional, even though the ruling was based on the rationale of a 'national consensus' with reference to an amicus curiae brief with the American Psychological Association. As for

prohibition on life without parole sentences, they are introduced on a state-by-state basis through legislation.

To conclude, the differences between the juvenile justice system and the criminal justice system are based on an understanding of adolescents as people who are not entirely responsible for their actions. The subjects of the juvenile justice system are simultaneously treated as extensively vulnerable to external coercion to illegal behavior, inadequate in their capacity to defend themselves against criminal prosecution, and eligible for rehabilitative treatment. Additionally, the possibility of transferring the cases of major juvenile offenses to the criminal court blurs the boundaries between the two systems. However, even in cases of waivers, the difference in the treatment of juvenile and adult defendants is preserved both on legislative and constitutional levels. The inability to apply capital punishment and, in many states, a life without parole sentence further substantiates the difference between juveniles and adults as subjects of the law.

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