

The Future of the Juvenile Justice System

Phillip Neely, Jr., Ph.D.

Associate Professor of Criminal Justice
Saint Leo University
United States of America

Abstract

The juvenile system in America is undergoing a lot of transformation. Despite these reformations, there is a long road ahead for the system as it needs effective rehabilitative policies and programs that will not to punish the delinquents but reform them into useful members of society. However, there is great promise in the system across states in the country as many of them are embracing new ways of working with youth delinquents. The future of the juvenile justice system lies in the premise that reforms will increase public safety and provide effective rehabilitative services to the youth and the required support that will help the youth delinquents' reform into better persons in society.

Keywords: Juvenile Justice Reform, Delinquent, Rehabilitation, Intake Process, Intervention, Appropriate Justice, Punishment

Introduction

The juvenile court has an important and critical role in ensuring that every child who comes before the court is accorded the appropriate justice he deserves. It is the role of the court to hold accountable children who commit delinquent crimes. This punishment should act as deterrents to the child from committing future crimes, and as a form of guidance to the child on how to behave in a socially acceptable manner. The second role of the court is to offer a measured response to the children who commit status offences, and as an intervention on behalf of children who may suffer various forms of abuses and neglect to ensure them justice. The problem, however, is that most of the cases that touch on children's delinquent behavior, status offences, and maltreatment from those playing guardian roles hardly reach the juvenile courts. Instead, these cases are often solved in informal ways by law enforcement officers, child protection workers, and probation personnel among others. This denies the court the ability and opportunity to pass on proper judgment to these cases, in a bid to ensure the safety and protection of children all over the country.

There is need for every community to develop strategic mechanisms that will work to ensure that every child gets the opportunity to have his case heard and determined fairly by the juvenile court and legal system. This will ensure that all cases concerning children delinquency receive the appropriate attention irrespective of the background of the children involved. The benefit of such a strategy is that the court will maximize the accountability to children delinquents that pass through these courts. The system will also serve to increase and enhance the ability of the courts to prevent future problems among children and the juvenile justice system. Although prevention is an elusive concept that is quite difficult to measure and identify, whichever form of prevention will be useful and helpful in offering an effective response to a number of youthful delinquency. Such interventions will also be useful in limiting the number of incidents of child abuse and neglect, thus reducing the number of children who have to pass through cruel hands in their developmental years. In order to accomplish this, the juvenile justice system needs to devise ways and strategies that can enable it effectively manage the system for better development. The purpose of this paper is to take a critical look into the future of the juvenile justice system and identify strategies that the state and federal government can take to ensure that the future of the system will be better in terms of the services offered by the system.

Literature Review

The history of the country's juvenile system lies in the beginning of the 20th century when the conception of young offenders underwent change. Before the late 19th century, young offenders were subjected to the same hearings and rulings as adult offenders. In 1909, Judge Julian Mack proposed the famous amendment to the legal proceedings in an article in the Harvard Law Review (Adler, 1999). In his proposal, the judge stated that a juvenile offender needs to be treated with the mercy and consideration as the one that a father uses in punishing his child. Like the others who had tried to reform the system, Judge Mack took the view of juvenile offenders as children who engaged in criminal activities out of the young state of their minds. These offenders, according to Mack, were like any other young children who could be subject to the abuse and neglect by their parents and guardians (Annie, 2000).

Judge Mack and the other reformers envisioned a state whereby young offenders would be treated in a way that would seek to cure and reform them from the antisocial ways and practices that were the cause of their offences. Such a system would be devoid of criminal responsibility and punishment for the young offenders. Punishment and criminal responsibility would only be preserved for the adult offenders, who were more aware of their actions. Because the juvenile court would play more of a rehabilitative role than a punishing role, the court proceedings would need to be informal and the inherent dispositions would be indeterminate (Bassuk, 2012).

The juvenile system thrived well in the first half of the 20th century as young offenders were treated with compassion and corrective measures through the system. This, however, changed in the 1960s and the years that followed, as the dynamics of the juvenile justice system changed due to changes in the manner and nature of offences that the youth offenders engaged in. The constitutionality of informal proceedings in the juvenile justice system was criticized for its un-procedural stance and the Supreme Court ruled that juvenile delinquents be granted the right to an attorney to argue their case. These changes made the system much similar to the adult legal court thus calling for the need for the juvenile system to be likened more to the adult justice system (Andrews et al., 1990). In the 1980s, youth delinquency in the country rose to record heights calling for the attention of law makers in the US. Conservative politicians ridiculed the country's juvenile system, citing the system's emphasis on rehabilitation strategies as a total failure as evidenced with the high rates of recidivism.

The system was criticized for being suitable to handling the low rate form of crimes that were propagated by school going children which could be easily handled by the guardians and social leaders in society (Annie, 2000). The emerging trends of crimes that were being committed by the youth in the 1980s were getting savvier as young people used guns and other hard core tactics to commit crime. The mentality of the juvenile system as one that needed to be sympathetic and caring for the needs of the youth offenders was overtaken in the nature of the crime and offenders of the late 20th and 21st century. Proponents of a more punitive system, therefore, called for a juvenile system that paid more attention to the need for juvenile delinquents to take responsibility for their activities. This would act as a deterrent for them from engaging in criminal activities. Some of these reformers viewed youth offenders as more disposed to engage in criminal activities that were riskier and more dangerous when they got older (Bassuk, 2010). This emphasized the need for the justice system to implement harsh changes to the system so that it could inflict strict punishment to the youth offenders before they got to adulthood.

The current juvenile justice system is based on this assumption, which tends to be harsh and strict on offenders who engage in serious crimes at times subjecting them to adult-like forms of punishment. The future of the juvenile justice system, therefore, is one that seeks to return to the 19th century system of the justice system, which paid more attention to the corrective measures of the youth delinquents (Chamberlain & Mihalic, 1998). This system will be more caring and emphasizing of the fact that youth delinquents are influenced by a number of factors, most of them occur in the external environment of the child, with a substantial attribution to the upbringing of the child. Other factors in the external environment of the child that affect his character and behavior with relation to crime include racial predispositions, socio-economic background, the level of education, and many others (Annie, 2000) These and other factors might play a role in denying the child a chance to make deliberate decisions about his actions and society.

Methodology/Finding

The future of the juvenile justice system lies in the system working with the community in order to improve the quality of service it offers. The justice system must ensure that it has in place the necessary and required resources that will help to make the youths accountable of their actions.

The system must also be able to offer effective interventions for each of the status offenders and offences committed, and have services that will serve to protect the youth from various forms of abuse that may be propagated against them by their parents and guardians. The nature and type of resources that will be adopted by the system and community should reflect the specific needs of the children and their family. This will ensure the responses suit and fit needs of each child and that they are as relevant to these needs as possible.

An effective approach to the problems of delinquents is using a multi-faced approach in handling and solving delinquent cases. Such an approach will include responses to do with community service, drug and substance abuse counseling services, mentoring programs, monetary restitution, and physical exercises activities. Such a comprehensive approach will offer a wide range of response options for the system and children involved, so that the most appropriate interventions will be selected and applied to the specific needs and cases regarding the children. For cases involving status offenders, there must be interventions that will offer the delinquents emergency and alternative housing as well as counseling in order to address the inherent needs of the children. These interventions will also serve to guide the behavior of children who are classified as beyond-control in their behavior, and school-based services and other forms of interventions for children classified as truant. Various responses can also be used to cater for the needs of children who are abused and neglected. These interventions must focus on the preservation of family values and support to make the children enjoy a family setting close to their own. Other forms of classes that the response must offer include mental health services, parenting classes for young mothers, services pertaining to domestic violence, and many other services that will serve to meet and address the needs of the children.

High Quality Services

The future of the juvenile system lies in the improvement of the quality of services offered to its clients, the children. In achieving this, the juvenile court should devise strategies, which can guide its operations in working with professionals, volunteers, agencies, community-based organizations, and other leadership forums in the community (Chamberlain & Mihalic, 1998). Working with these agencies will serve to determine whether the responses offered by the juvenile system are effective and appropriate in meeting up the expectations and needs of the children receiving their services. This will also determine whether the interventions applied for each of the three possible cases are appropriate in achieving the ends they are required to. The system should be ready and willing to work along with community leaders to identify and fill any gaps that may be available after applying the specific interventions. This comes from the fact that judges of the juvenile courts are superior persons in community, with the power and authority to call upon superior members of the community to assess the state and effectiveness of the responses of the juvenile system to each of the three cases. In the event that they find some of the responses wanting in their suitability, they will be able to determine the most effective responses for these cases, bearing in mind the need to respond to contemporary changes that may work to affect the behavior of the delinquents.

A major challenge that lies in the juvenile justice system of the future is the need to ensure that there will be an appropriate response to each of the three cases that may come to the attention of the courts. It is for this reason that the juvenile system must embrace a comprehensive approach to the issues pertaining to juvenile delinquency, status offense, and cases of abuse and neglect for children. By convening community groups and players, the justice system will be able to oversee the processes by which it can formally resolve the cases brought before it. The system must ensure that it properly identifies the child and or family with a need, identifies the most suitable intervention for the need identified, works to ensure that the intervention identified is applied and completed in a timely and comprehensive manner, and that the parents, guardians, and community members are involved in the decision making process as well as the resolution process for the case. Above all, the involved parties must ensure that the resolution used is fair and just enough to enhance justice in the system.

The Juvenile Justice System and Transformation

The future of the juvenile justice lies in the transformation of the system to make it more effective, responsive, and rehabilitative to make children better rather than worse. This will see a number of jurisdictions in the country change the manner in which they work with the youth all over the country. the system needs to take measures and institute reforms that will seek to protect public safety of the children as well as effective rehabilitative services that will support the recovery of young people who might have involved themselves in delinquent behavior in their past. This will facilitate a speedy recovery for the recovering delinquents, thus safeguarding the safety of children.

The Positive Youth Development Reform

One initiative that holds a better future for the system is a reform initiative dubbed Positive Youth Development (PYD). This approach is a strength-based approach, which seeks to work with the youth to develop their strengths. Unlike the traditional interventions and approaches that paid more attention to the negative aspects and traits of the youth in the recovery programs, the PYD will focus on the positive attributes of the children to help them build a strong and positive personality. In past and present times, juvenile delinquents have been viewed as problems that need to be fixed by the system and state or punished in order to get rid of the bad behavior in them. This approach has proven harmful and ineffective to the youth and the public, as it has not borne fruit in improving the behavior of these children or acting as deterrent for the children and others in society from engaging in ill behavior. While addressing their needs, the PYD will act to grow and develop the personalities of these children as it addresses the needs of the children in their delinquency.

The Trauma Informed Intervention

It is important that the juvenile system in the future recognizes the reasons for children getting themselves in such delinquent behavior. One significant aspect that emerges is that most of the children who engage in delinquent behavior are those that have experienced forms of trauma in their past. The reformed juvenile system, therefore, needs to recognize this fact and identify ways that it will work to address these forms of trauma in their response efforts. The present delinquent system pays more attention to the young person's delinquent acts, without paying equal or more attention to the underlying causes of such behavior in the children. Rather than exacerbate the traumas, the future system will work to address the various forms and types of traumas that the young people might have experienced in their youth and childhood, which are responsible for the children's acts. The future reforms will be bearing in mind the fact that research studies have shown that incarcerating young people has adverse negative effects on them. Other forms of punishment for the young delinquents such as probation supervision, when applied to lower-risk delinquents, have been also found to have worse effects to the children.

The future system will, therefore, take advantage of research that has developed assessment tools that will be used to separate high risk from low risk delinquents. The separation will ensure that the interventions used will be appropriate to either group of delinquents, so that the safety of the children is upheld and protected at all times. Using this strategy, the juvenile system will only use probation services for delinquents identified as high risk. The delinquents that pose legitimate risk to the public will receive the highest forms of intervention and detention while in the juvenile facility. The other group of delinquents is that of those who pose less risk to the public and whose delinquency is considered to be low risk. For such delinquents, less harsh interventions should be used so that they can focus on the positive traits and behavior of the children rather than on the negative traits. These will form the proven detention alternatives, which include having the delinquents report to reporting centers each evening so that they can have their movements monitored for any wayward behavior. Using such a strategy, delinquent youths will be allowed to stay at home instead of being detained in delinquent halls. During these visits, the youth can partake in other helpful activities like health clinics, computer laboratories, completing their homework, attend music studios, and engage in other forms of positive activities that will help them develop a better and positive personality.

In cases where the system determines that the youth is really harmful to the public and effective running of the system and will need to be incarcerated as part of the rehabilitation process, the system must come up with interventions that will not harm the child. The interventions applied must be focused on eradicating, treating, and rehabilitating the delinquent youth. This will make the juvenile system become more humane and therapeutic, which will be close to the needs of the youth (Coates, Miller, & Ohlin, 1978).

The Juvenile Justice System and the Adult Justice System

The future of the juvenile justice system lies in the possibility of it being assimilated into the adult justice system. This possibility lies in the argument that the system has failed in achieving its mandate and has outlived its usefulness in the justice system. Since the inception of the system, it has achieved less in preventing the youth from engaging in criminal activities, as evidenced in the ever increasing number of young people engaging in criminal behavior. Existing as a separate entity is a costly affair given that the results of the system are not as substantial as they need to be. Integrating the system with the adult justice system will help to reduce the costs incurred in the country's justice system and might work to increase the results of the system.

If these claims are taken into heed by the public and the law makers in the country, it is possible that the future of the juvenile justice system in the country will be an integrated adult justice system, with sections catering for the needs of juvenile delinquents.

The Juvenile Justice System and the Concept of Restorative Justice

One of the reforms that are advocated for the future juvenile justice system is the need to view justice in restorative lens. Through this concept, crime will be viewed as a violation by one against the victim, and not against the state as it is presently. This strategy will mean that the offender, the victim, and the community, which includes the justice system, will all play an equal role in mending the harm done through the crime that is committed. Offenders will be held directly accountable for their crimes by the victim and the community, who are tasked with the responsibility and role of mending the delinquent behavior of the youth (Scherl & Macht, 1979).

The benefits of this approach are that the system will be more personal and friendly to the offender, and will take up a more caring approach to the offender. Another approach is that the strategy will work to increase the waivers of adult court, which will in turn, work to reduce the number of offences recorded by the juvenile courts. As such, public fear for the youth in the country based on the fear that they endanger their lives through the crimes that they commit will reduce, leading to a friendlier and cooperative relationship between the two (Diffield, 2008). The resultant effect will be an increase in the public's safety, as the rate of crime committed by the youth will reduce.

A Collaborative Approach

There is the possibility that the future juvenile justice system will adopt a collaborative approach in dealing with youth delinquency. Through this approach, the juvenile system will be able to work with a number of other agencies and institutions in their efforts to reduce the rates and numbers of delinquency. Some of these institutions include schools and other learning institutions, the police, probation officers, various courts, and health facilities (Bassuk, 2010). This way, the juvenile system will be able to apply sanctions that are more appropriate and immediate in their efforts to offer effective rehabilitative interventions to the problem of youth delinquency. This path becomes distinctive for the future juvenile justice system given from the fact that a number of states have already adopted such restorative interventions. These policies offer waivers to the adult courts, as well as opening up the system to opinions from agencies outside of the system such as schools and policing agencies. These air their opinions on the specific interventions that might be suitable for adoption by the system and predict the possible outcomes from the interventions.

Despite the changes that the collaborative approach offers for the juvenile justice system, the system in the future will continue to deal with issues that it is presently handling. These include issues of drugs and substance abuse, dependency, neglect, street gangs, the larger societal issues of socio-economic classes, race, and gender as they relate to the problem of delinquency (Andrews et al..., 1990).

Leadership V. Managerial Approach

One reason that has been identified as the cause of the failure of the present juvenile system is lack of leadership in the system. Studies have identified lack of proper leadership as a cause of the poor manner in which these institutions are managed, leading to a failure in their efforts to have in place effective rehabilitative interventions for the young delinquents. Rather than adopt a leadership approach to the management and running of the facilities, the system has adopted a managerial approach, which seeks to lead and manage the activities of the delinquents. This means that the children in the system do not have persons they can look up to in their efforts to change their lifestyles. Those who manage the facilities have been cited to being too harsh on the children, and dictating upon them the ways that they should behave, rather than leading them in the ways that they should behave. The effect of this approach is that the children have to find the right manner of behavior on their own by learning from their own mistakes as well as those of their friends and fellow delinquents (Adler, 1999).

A future juvenile system must be one that is based on developing effective leadership in the system, where the delinquents will have people to hold their hands and lead them in their walk through the rehabilitation process. They will have someone to emulate in their efforts to change their behavior for the better, someone who will identify with their situation and circumstances, someone with whom they can share their experiences and not be judged harshly, and above all, someone who will see them as members of a team working toward recovery and not as a team of child offenders whose fate lies with the state.

The effect of this will be a juvenile justice system that is more caring to the needs and plight of delinquents, which will enhance the rehabilitation of the delinquents and foster their integration into the wider society as law abiding citizens.

While there are hopes that the future of the juvenile justice system will be a better one, which will be more caring and responsive to the needs of the youth offenders, there is the possibility that the system will be worse off than it is presently. This will result from the public and state adopting strategies that are misguided in the interventions they will take regarding youth delinquency. Some of these interventions include increasing the penalties and punishments accorded youth delinquents and enacting stringent practices in identifying and punishing child offenders (Chamberlain & Mihalic, 1998). The system might fail to increase the amount of investigative efforts it puts in identifying the underlying causes of the negative behavior that the children engage in. Without detailed efforts in identifying and addressing these causes, the interventions that the system will take will be in futile in their effectiveness in seeking to reduce the problem of child delinquency in the country (Annie, 2000). The possibility of the future juvenile system taking up this stance, however, is limited because of the increasing awareness in the need for the system to adopt a more positive outlook and approach to issues of youth delinquency.

Recommendations

From the analysis above, it is clear that there is dire need for reforms in the juvenile justice system in the US and other parts of the world. The current system plays a bigger role in causing harm to the youth delinquents, which hardens them to make the worse criminals as they enter their adulthood. Legislators and the public are overwhelmed by the rising cases of high-end crimes propagated by young people in the country, that they are eager to have a system that will deal with these offenders in a manner that is stricter and similar to the adult one, in order to punish them as severely as possible for the harm that they cause. This explains why the proposed reforms for the system have failed to bear much fruit yet, and is faced with eminent opposition.

Rather than deal with the juvenile offenders in such a harsh manner, the government and other involved agencies should take responsibility of the cases and seek to identify causal factors that are responsible for the increased involvement of young offenders in such grave offences. Such interventions will deal with the psychological predispositions of these offenders, and other external factors that make them behave in the suicidal manners that they do. This will go a long way in addressing juvenile delinquency in the country.

Conclusion

The future of the juvenile justice system is one that will be marked with positive development for the youth, informed processes for intervening in the trauma that might be affecting the delinquent children, efforts to reduce the amount and nature of detention offered the youth, and efforts to ensure that the system is more human and rehabilitative in its approach to juvenile delinquency. The system will be reliant on evidence-based practices, which will give concrete guidance on the appropriate interventions for effective results. The future of this system will be a system that is more focused on interventions for high risk youth and a strong partnership with the community to bring forth the best results for the children in the system (Ferguson, 2001).

From the above analysis, it is evident that the future of the juvenile justice system will be brighter and positive than it presently is. This, however, depends on the ability of the juvenile justice system and the larger justice system in the country to take time to identify appropriate interventions that will address not only the crimes committed by the offenders, but also on the psychological aspect of the crimes. This will address the underlying psychological factors that may be responsible for the way ward behavior of the delinquents, so that the rehabilitation offered will not only seek to penalize the offenders, but to serve as deterrents to the participation in future crime. Lastly, it is the role of members of the public, community, and other stakeholders in various positions in society to work to ensure that the juvenile justice system improves in its approach to handling youth delinquents. Such a comprehensive approach will work to solicit and offer a wide array of opinions, which will increase the chances of the system adopting the most suitable interventions for the various cases involved, thus delivering justice for the delinquents involved.

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