

## 10.2: Juvenile Justice

The contemporary juvenile justice system operates under the premise that juveniles are different than adults and require special attention and treatment. The juvenile justice system believes that juveniles are malleable and can be rehabilitated. The juvenile court is based on the premise that public safety is best served by emphasizing the rehabilitation, rather than incapacitation and punishment of juveniles. <sup>[1]</sup> Unfortunately, sensationalized media exposure of violent youth has led to exaggerated public fear of juvenile crime, get tough legislation, and a perceived need to “do something” about juvenile crime. <sup>[2]</sup> This punitive position is nothing new. Before the inception of the juvenile justice system a mere 100 years ago, youth were treated the same as adults. They were considered culpable for their actions and housed alongside adult offenders in jails and prisons. Recent research has utilized neuroscience to support the need to treat juveniles differently because they are different. The sections of the brain that govern characteristics associated with moral culpability do not stop maturing until the early 20s. Therefore, it is assumed that someone under age 20, such as a juvenile delinquent, has an underdeveloped brain.

When addressing juvenile delinquency in America, the pendulum swings from punitive policies to rehabilitative policies and then back again depending on media, politics, and the current climate. There is no magic bullet approach to preventing juvenile delinquency, but as the court evolves, changes, and utilizes best practices, it gets closer.

**Ted Talks:** Stephen Case The youth crime ‘problem’ is examined as a social construction and moral panic created by institutions in Western societies. The talk traces the evolution of youth crime into a phenomenon persistently misrepresented as an escalating social epidemic. The developmental life stages of ‘childhood’ and ‘adolescence’ as inventions are explored, highlighting differences between young people and adults. In this way, ‘youth crime’ can be identified as a social problem requiring distinct responses. A running theme is a child as a source of adult anxiety and fear, motivating societies to create structures, processes, theories, and images of youth crime that punish lawbreakers. The ‘solution’ is the ‘positive youth justice’ model. Children should not be punished as if they are adults but their criminal behavior should be seen as a normal part of growing up. Instead, they should be worked with to meet their needs, to embrace their human rights and to promote their life chances. <https://www.youtube.com/watch?v=QYWPyiZIpV8>

1. Cox, S. M., Conrad, J. J., & Allen, J. M. (2003). *Juvenile justice: A guide to theory and practice*. McGraw-Hill Humanities, Social Sciences & World Languages. ↩
2. Benekos, P., & Merlo, A. (2004). *Controversies in juvenile justice and delinquency*. Anderson Publishing. ↩

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