Applying What You Have Learned

You have just been appointed by the governor as chairperson of a newly formed group charged with overhauling the state's juvenile justice system. One primary concern is the treatment of status offenders—kids who have been picked up and charged with being runaways, sexually active, truant from school, or unmanageable at home. Under existing status offense statutes, these youth can be sent to juvenile court and stand trial for their misbehaviors. If the allegations against them are proven valid, they may be removed from the home and placed in foster care or even in a state or private custodial institution.

Recently, a great deal of media attention has been given to the plight of runaway children who live on the streets, take drugs, and engage in prostitution. At an open hearing, advocates of the current system argue that many families cannot provide the care and control needed to keep kids out of trouble and that the state must maintain control of at-risk youth. They contend that many status offenders have histories of drug and delinquency problems and are little different from kids arrested on criminal charges; control by the juvenile court is necessary if the youths are ever to get needed treatment.

Another vocal group argues that it is a mistake for a system that deals with criminal youth to also handle troubled adolescents, whose problems usually are the result of child abuse and neglect. They believe that the current statute should be amended to give the state's department of social welfare jurisdiction over all noncriminal youths who are in need of assistance. These opponents of the current law point out that, even though status offenders and delinquents are held in separate facilities, those who run away or are unmanageable can be transferred to more secure correctional facilities that house criminal youths. Furthermore, the current court-based process, where troubled youths are involved with lawyers, trials, and court proceedings, helps convince them that they are "bad kids" and social outcasts.

Writing Assignment Write a policy statement setting out the recommendations you would make to the governor. In your statement, address the issues raised by those who believe that status offenders and delinquents have similar issues, and those who maintain they are two separate categories of youth and should be dealt with by different state agencies. Finally, give your assessment of the issue and what course of treatment you would choose.

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As a juvenile court judge, you are forced to make a tough decision during a hearing: whether a juvenile should be waived to the adult court. It seems that gang activity has become a way of life for residents living in local public housing projects. The "Bloods" sell crack, and the "Wolfpack" controls the drug market. When the rivalry between the two gangs exploded, 15-year-old Shatiek Johnson, a Wolfpack member, shot and killed a member of the Bloods; in retaliation, the Bloods put out a contract on his life. While in hiding, Shatiek was confronted by two undercover detectives who recognized the young fugitive. Fearing for his life, Shatiek pulled a pistol and began firing, fatally wounding one of the officers. During the hearing, you learn that Shatiek's story is not dissimilar from that of many other children raised in tough housing projects. With an absent father and a single mother who could not control her five sons, Shatiek lived in a world of drugs, gangs, and shootouts long before he was old enough to vote. By age 13, Shatiek had been involved in the gang-beating death of a homeless man in a dispute over $10, for which he was given a one-year sentence at a youth detention center and released after six months. Now charged with a crime that could be considered first-degree murder if committed by an adult, Shatiek could if waived to the adult court be sentenced to life in prison.

At the hearing, Shatiek seems like a lost soul. He claims he thought the police officers were killers out to collect the bounty put on his life by the Bloods. He says that killing the rival gang boy was an act of self-defense. The district attorney confirms that the victim was in fact a known gang assassin with numerous criminal convictions. Shatiek's mother begs you to consider the fact that her son is only 15 years old, that he has had a very difficult childhood, and that he is a victim of society's indifference to the poor.

Writing Assignment Take the role of an assistant district attorney arguing for waiver of Shatiek to the adult court. Then take the role of the defense counsel arguing for his retention in juvenile court. Finally, take the role of a juvenile court judge assigned to hear the case and make a decision in the matter. Explain your reasoning.