The Impact Of Court Systems On The Juvenile

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Introduction

A criminal justice system is a set of rules and regulations designed to protect community members and their property. The system determines which activities are against the law and which acts are considered offenses against community members. Those who are involved in such activities may be punished with fines, imprisonment, or community service. Australia has a total of nine legal systems. Eight of them are associated with the state and territory systems, and one is associated with the federal system. The administration of courts mostly occurs in territories and states. Among all the criminal laws of Australia, state regulatory rules are the laws that primarily govern the daily lives of Australian people.

To maintain law and order, all societies develop systems through common or legislative laws. At the time of colonization, Australia developed its criminal justice system. Since that time, Australian judges have applied, interpreted, and developed these laws. Similarly, all the territories and states have their own criminal justice systems. Because of this, the practical implications of these laws in different states and regions are also different. To ensure a better criminal justice system, Australia has mainly focused on state rules and regulations. In Australia, cases are processed in three distinct phases: the investigative component, the adjudicative component, and the correctional or penal component.

Two groups have a significant influence on the criminal process: politicians and those who work in media organizations. Politicians can affect the criminal process more directly than people working in media organizations by passing laws, such as truth-in-sentencing laws, that increase the number of people in prison. The primary purpose of the media is to educate and inform the public about crimes and the criminal justice system. With the help of advertisements, news, and crime reality shows, people learn how an offender will be treated in Australia and how the Australian criminal justice system works.

Problem Statement

Juvenile delinquency is used to refer to a child whose behavior is consistently mischievous and disobedient. In other words, one can say that juvenile delinquency involves a minor child between 10

and 17 years of age engaging in illegal activities (Bartollas et al., 2017). Another term for juvenile delinquency is juvenile offending. One report from the Australian Bureau of Statistics shows that in 2015-2016, children between the ages of 10 and 17 years were involved in cases of theft, drugs, and public-order offenses. Most children who come before the court have a history of trauma, abuse, and neglect. More than 5,000 children per year had their first contact with the juvenile justice system (Australian Bureau of Statistics). The treatment they receive has a significant impact on their personalities. Sometimes, they do not engage in such activities again, while on other occasions, they continue to engage in criminal activities. When innocent people are punished, the punishment can either turn them into criminals or lead them to take their own lives.

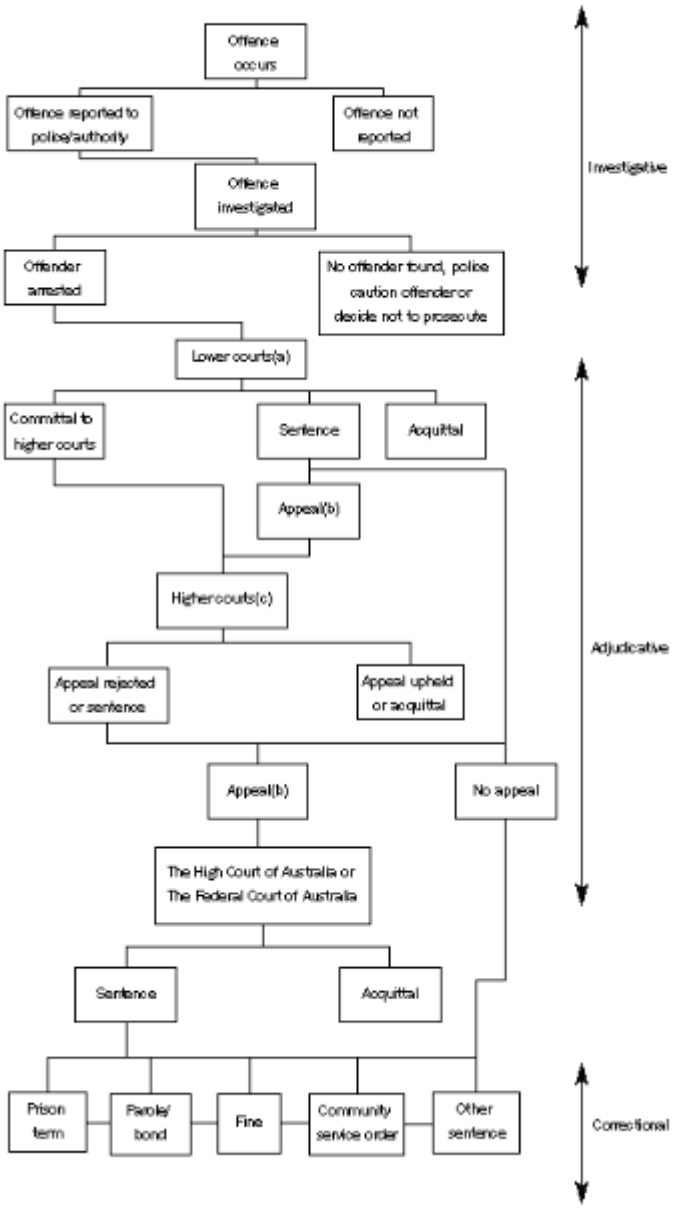
Methodology

The methodology for this paper is based on secondary research. Literature has been provided that supports the problem statement. The research is qualitative.

Discussion

The diagram below shows the operational flow chart of the criminal justice system in Australia. It reveals the breakdown of the process and how a case is processed in the Australian justice system.

OPERATION OF THE CRIMINAL JUSTICE SYSTEM IN AUSTRALIA



(Australian Bureau of Statistics)

The case of Kalief Browder is one of the most talked-about cases in recent times. Kalief was a 22-year-old man who was apprehended in connection with a robbery that he did not commit. He spent three years on Rikers Island. He was arrested in the spring of 2010 at the age of sixteen.



Browder was born to a drug-addicted mother and was placed into child protective services at birth. He was the youngest of his siblings and one of five siblings who were given up for adoption. Before his arrest in the robbery case, Browder was charged with third-degree grand larceny based on the allegation that he was involved in the theft of a truck that, according to him, was never stolen but was used for a joyride.

It was on May 15, 2010, that the police apprehended Browder and his friend on East 18th Street in the Bronx. Browder said he and his friend were on their way home after a party they had attended. On their way back, a police car approached them, and a police officer said Browder was involved in a robbery that had been reported earlier by the victim, who said that two Black men had robbed him. The police officer first said the theft had taken place shortly before they were arrested, but later told them that the robbery had taken place a couple of weeks earlier. The police officer changed his statement because the victim of the theft, Mr. Bautista, who was sitting in the back seat of the car, identified them as the thieves. However, the dates provided by Bautista changed on different occasions in the case. The police arrested both Browder and his friend, saying that this was a routine check and that they would be on their way after an hour or so. Browder was questioned for 17 hours, and the very next day, he was charged with robbery and assault. Because he was on probation, he was not released, but his friend was set free on the first day of the arrest. The police said that he had to pay $3,000 for bail, which his family apparently could not afford.

Browder was imprisoned at Rikers Island. Other inmates who were there serving their sentences used to wash their own clothes with soap. Most of the inmates talked about the crimes they had committed and with whom. This was undoubtedly not what Browder had in mind, so he did not make friends with anyone. His mother used to come every weekend, bring clean clothes for him, and take back the dirty clothes. Along with clothes, his mother gave him some money so that he could buy snacks, but this

could make him a target for other prisoners who did not have money.

After 258 days of his arrest, Browder appeared before the court, where the defense had submitted its notices. O'Meara was the lawyer appointed for Browder's case because his family was not well-off enough to afford its own lawyer. Browder told the whole story to the lawyer, continuously saying that he was innocent. The lawyer said that if Browder were found guilty, the criminal court would sentence him to 3.5 years. During the 965 days he was imprisoned, he appeared before eight different judges until he was set free on March 13, 2013.

During his imprisonment, he became very depressed and even tried to hang himself in prison because he was unable to cope with the situation he was going through. The whole situation got on his nerves, and a point came when he wanted to end his life and free himself from his imprisonment. In November 2013, he again attempted suicide and was admitted to St. Barnabas Hospital. He was attempting suicide because the experience he had with the courts and the time he spent in prison made him unable to concentrate on his family, career, or education. On June 6, 2015, he hanged himself and ended his life.

Findings

From the above case, in my view, the inefficiency of the court was largely responsible for Browder's death. Of course, the prison environment is one of the major concerns in this case, as other inmates can have a significant impact on the personality of an inmate. In Browder's case, the atmosphere of the jail in which he was imprisoned and the amount of pressure he was under led him to attempt suicide several times. It is entirely possible that the victim of the robbery, Mr. Bautista, misidentified Browder. A thorough investigation should have been conducted in this case because the dates mentioned by Bautista were inconsistent. If it had been so obvious that Browder and his friend were the men who robbed him, he should have been able to provide the correct time. The loss of a life is never right. The period Browder spent in prison affected his mental and physical health so severely that he preferred suicide to living in society. Society degrades a person who commits a crime, but what if that person is innocent? Do people believe him, apart from his parents? This is one of the questions that remains in the minds of individuals who know about the case. Court systems should be more accurate and should punish those who are guilty.

Juvenile Justice System of Australia

There are three systems of juvenile justice under the Young Offenders Act 1993 (SA) in South Australia. Two of them are tiers of pre-court diversion that are applicable where a first offender admits to the alleged offending. When charges have been laid, the Youth Court determines and hears matters that are in dispute, regardless of how large or small they are, including alleged repeat offending and breaches of obligations. One of the latest findings of the Australian government says

that 53% of people who receive their first punishment are likely to return before the age of 18. Young people aged 10 to 17 years were under youth justice supervision in Australia on an average day in 2015-2016. Most of the young people were male. Six months was the average period of supervision during 2015-2016.

Penalties for Juvenile Offenders

Juveniles between the ages of 12 and 17 years who commit an offense are penalized under juvenile criminal law. This law can also be applied to adults between the ages of 18 and 22 years. Juveniles under the age of 12 years are not prosecuted in such cases. In these cases, the police will talk to the children's parents so that they can take corrective measures. In such cases, it is highly likely that parents will send their children to the youth care office, where they will be provided with sufficient counseling.

A juvenile who commits a minor crime may be referred to the HALT juvenile crime prevention program. This provides the juvenile with an opportunity to make amends for things they have done wrong in the past. For instance, they may apologize to the victims whom they have offended. If the juvenile does not apologize, the case is referred to the public prosecutor, which may result in prosecution. Another alternative for the youth would be community service, which is unpaid work. Juveniles who are between the ages of 16 and 17 years may receive imprisonment of up to two years if they commit an offense. The maximum sentence for a juvenile between 12 and 15 years of age is one year. Some youths require counseling so that they do not return to the same circumstances in which they committed an offense. Other penalties include paying a fine or damages or losing a scooter or something else that they use regularly.

Evidence has been found that some young juveniles were once involved in maltreatment by child protection services in Australia. This shows how the treatment of children can ultimately result in these children becoming involved in activities that might end their careers and lives in the future. Child protection services have the sole purpose of ensuring the protection of children in every possible way. However, this study has shown that they did not fulfill their mission. This is one of the reasons that young offenders continue committing crimes after they are released from prison (Malvaso et al., 2017).

Court Process for Juveniles

When police decide to bring a child before the court, the process proceeds by way of arrest or court attendance notice. The rate at which these mechanisms are used varies according to the jurisdiction. For example, in Queensland, two-thirds of all children are brought forward by way of arrest and one-third by way of summons. In most jurisdictions, statistics are kept on the number of criminal matters heard in which children are involved. It has often been considered that young females are treated

leniently under juvenile justice systems, but evidence has shown that they are treated under the same procedures and receive the same types of punishments as young males (Gilmore & Manning, 2015). Many jurisdictions keep a record of the most serious offenses in which children are involved in more than one case. Most juvenile cases are heard by magistrates rather than by specialist children's courts. However, some cases are also heard in the Supreme Court or district courts.

According to a report published by the Australian government, detention can further criminalize young offenders. It has also been said that detainees who learn how to manipulate the system may get themselves released earlier than their original sentences and commit crimes again. This has been found to be evident in New South Wales society. There are some children for whom detention is the last thing they need. The government also has rehabilitation programs that help make them stronger internally so that when they get out of prison, they will not engage in criminal activities. Evidence has been found that juvenile justice system courts can undermine and, in some cases, violate human rights. During court procedures, the human rights of juveniles may be violated (Cunneen et al., 2016).

The current situation of youth incarceration and youth suicides demonstrates the need to examine policies on youth incarceration and rehabilitation. According to a report published by the Australian Institute of Health and Welfare, on any given night, around 1,000 young people are held in Australian youth detention centers. Of those 1,000 people, two-thirds are waiting for their sentences. It has also been stated that from 2008 to 2012, the number of young detainees who had not received any sentence increased from 85 to 114 (Sheehan & Reed, 2017). However, this rate fell to 12.8% in 2016 (Australian Bureau of Statistics).

Conclusions

This paper examined the impact of court systems on juveniles. The case presented in this study concerned an African American man who was apprehended on false accusations and, after being released from prison, committed suicide. Effective court systems will ensure that justice is served equally and that no one is discriminated against on any basis. There have been many cases in Australia in which rehabilitation programs have changed people's lives, but there have also been many cases in which juveniles were treated severely, increasing their likelihood of committing more crimes. Child protection services should take notice of such problems so that criminal activity can be reduced. There have been cases in which courts have violated the human rights of offenders.

Although it has often been said that criminals do not have any claims on humanitarian grounds, human rights departments in Australia ensure that whatever the crime, offenders must be provided with human rights. It is their right. Every case should be examined thoroughly so that no other person like Browder commits suicide because of the injustice done to him. However, reports from the Australian Bureau of Statistics have shown that the number of juvenile crimes has decreased compared with previous years. Effective and efficient court systems and procedures will be of great help in reducing crime rates if prisoners are treated appropriately so that they can change their lives

with proper counseling from government departments.

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